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No. 28] NEW DELHI, JULY 4—JULY 10, 2004, SATURDAY/ASADHA 13—ASADHA 19, 1926

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (यह मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

गृह मंत्रालय
(पुनर्वास प्रभाग)
(आर.एण्ड.एस.ओ. अनुभाग)
नई दिल्ली, 22 जून, 2004

MINISTRY OF HOME AFFAIRS
(Rehabilitation Division)
(R & S O Section)

New Delhi, the 22nd June, 2004

का. आ. 1558.—केन्द्र सरकार, विस्थापित व्यक्ति (प्रतिकर एवं पुनर्वास) अधिनियम, 1954 (1954 का अधिनियम सं. 44) की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भूमि एवं भवन विभाग, राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार में संयुक्त सचिव श्री जेड.यू. सिद्दीकी को उनके स्वयं के कर्तव्यों के अतिरिक्त, उपरोक्त अधिनियम द्वारा अथवा उसके अंतर्गत राष्ट्रीय राजधानी क्षेत्र दिल्ली में स्थित शहरी और ग्रामीण निष्क्रांत संपत्तियों और भूमि के प्रबंधन और निपटान के संबंध में उन्हें उप मुख्य बंदोबस्त आयुक्त के रूप में सौंपे गए कार्यों को करने के लिए उप मुख्य बंदोबस्त आयुक्त नियुक्त करती है।

2. इसे दिनांक 21-8-2002 की अधिसूचना संख्या 1(6)/93-बंदोबस्त-(क) के अधिक्रमण में जारी किया गया है।

[सं. 1(2)/2004-आर.एण्ड.एस.ओ. (ए)]

पी. के. कौल, अवर सचिव

S.O. 1558.—In exercise of the powers conferred by Sub-section (1) of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (Act No. 44 of 1954), the Central Government hereby appoints Shri Z.U. Siddiqui, Joint Secretary in the Land and Building, Department, Government of National Capital Territory of Delhi, as Deputy Chief Settlement Commissioner for the purposes of performing, in addition to his own duties and functions assigned to him as a Deputy Chief Settlement Commissioner by or under the aforesaid Act, in respect of the management and disposal of evacuee urban and rural properties and lands situated in the National Capital Territory of Delhi.

2. This supersedes Notification No. 1(6)/93-Settlement (A) dated 21-8-2002.

[No. 1(2)/2004-R&SO(A)]

P. K. KAUL, Under Secy.

नई दिल्ली, 22 जून, 2004

का.आ.1559.—मैं, डॉ. के. एस. सुगथन, मुख्य बंदोबस्त आयुक्त, विस्थापित व्यक्ति (प्रतिकर एवं पुनर्वास) अधिनियम, 1954 (1954 का अधिनियम सं. 44) की धारा 34 की उप-धारा 2 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भूमि एवं भवन विभाग, राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार में संयुक्त सचिव, श्री जेड.यू. सिद्दीकी को एतद्वारा मुख्य बंदोबस्त आयुक्त की निम्नलिखित शक्तियां प्रत्यायोजित करता हूँ :—

- (i) उक्त अधिनियम की धारा 23 के अंतर्गत अपील सुनने की शक्तियां;
- (ii) उक्त अधिनियम की धारा 24 के अंतर्गत संशोधन की सुनवाई की शक्तियां;
- (iii) उक्त अधिनियम की धारा 28 के अंतर्गत मामलों को हस्तांतरण करने की शक्तियां;

2. इसे दिनांक 21-8-2002 की अधिसूचना संख्या 1(6)/93-बंदोबस्त-(ख) के अधिक्रमण में जारी किया गया है।

[सं. 1(2)/2004-आर.एण्ड एस.ओ. (बी)]

डॉ. के. एस. सुगथन, मुख्य बंदोबस्त आयुक्त
New Delhi, the 22nd June, 2004

S.O. 1559.—In exercise of the powers conferred by Sub-section 2 of Section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (Act No. 44 of 1954), I, Dr. K.S. Sugathan, Chief Settlement Commissioner, hereby delegate to Shri Z.U. Siddiqui, Joint Secretary in the Land and Building, Department, Government of National Capital Territory of Delhi, the following powers of the Chief Settlement Commissioner :—

- (i) Power to hear appeals under Section 23 of the said Act;
 - (ii) Powers of hear revision under Section 24 of the said Act;
 - (iii) Power of transfer cases under Section 28 of the said Act;
2. This supersedes Notification No. 1(6)/93-Settlement (B) dated 21-8-2002.

[No. 1(2)/2004-R&SO (B)]

Dr. K.S. SUGATHAN, Chief Settlement Commissioner
नई दिल्ली, 22 जून, 2004

का.आ.1560.—केन्द्र सरकार, निष्क्रांत संपत्ति प्रबंध अधिनियम, 1950 (1950 का अधिनियम सं. 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भूमि एवं भवन विभाग, राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार में संयुक्त सचिव श्री जेड.यू. सिद्दीकी को उनके स्वयं के कर्तव्यों के अतिरिक्त, उपरोक्त अधिनियम द्वारा अथवा उसके अंतर्गत राष्ट्रीय राजधानी क्षेत्र दिल्ली में स्थित शहरी और ग्रामीण निष्क्रांत संपत्तियों और भूमि के प्रबंधन और निपटान के संबंध में उन्हें सहायक महाभिरक्षक के रूप में सौंपे गए कार्यों को करने के लिए सहायक महाभिरक्षक नियुक्त करती है।

2. इसे दिनांक 21-8-2002 की अधिसूचना संख्या 1(6)/93-बंदोबस्त-(ग) के अधिक्रमण में जारी किया गया है।

[सं. 1(2)/2004-आर.एण्ड एस.ओ. (सी)]

पी. के. कौल, अवर सचिव

New Delhi, the 22nd June, 2004

S.O. 1560.—In exercise of the powers conferred by Section 5 of the Administration of Evacuee Property Act, 1950 (Act No. 31 of 1950), the Central Government hereby appoints Shri Z.U. Siddiqui, Joint Secretary in the Land and Building, Department, Government of National Capital Territory of Delhi, as Assistant Custodian General for the purpose of performing, in addition to his own duties, the functions assigned to him as Assistant Custodian General by or under the aforesaid Act, in respect of the management and disposal of evacuee urban and rural properties and lands situated in the National Capital Territory of Delhi.

2. This supersedes Notification No. 1(6)/93-Settlement (C) dated 21-8-2002.

[No. 1(2)/2004-R&SO(C)]

P. K. KAUL, Under Secy.

नई दिल्ली, 22 जून, 2004

का.आ.1561.—मैं, डॉ. के. एस. सुगथन, महाभिरक्षक, निष्क्रांत-संपत्ति प्रबंध अधिनियम, 1950 (1950 का अधिनियम सं. 31) की धारा 55 की उप-धारा (3) द्वारा मुझे महाभिरक्षक के रूप में प्रदत्त शक्तियों का प्रयोग करते हुए, भूमि एवं भवन विभाग, राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार में संयुक्त सचिव श्री जेड.यू. सिद्दीकी को एतद्वारा महाभिरक्षक की निम्नलिखित शक्तियां प्रत्यायोजित करता हूँ :—

- (i) उक्त अधिनियम की धारा 24 के अंतर्गत अपील सुनने की शक्तियां;
- (ii) उक्त अधिनियम की धारा 27 के अंतर्गत संशोधन की शक्तियां;
- (iii) अधिनियम की धारा 10(2) (O) के अंतर्गत किसी निष्क्रांत संपत्ति के हस्तांतरण के अनुमोदन की शक्तियां;
- (iv) निष्क्रांत संपत्ति प्रबंध अधिनियम (केन्द्रीय नियम), 1950 के नियम 30 के अंतर्गत मामलों के हस्तांतरण की शक्तियां;

2. इसे दिनांक 21-8-2002 की अधिसूचना संख्या 1(6)/93-बंदोबस्त (घ) के अधिक्रमण में जारी किया गया है।

[सं. 1(2)/2004-आर.एण्ड एस.ओ. (डी)]

डॉ. के.एस. सुगथन, महाभिरक्षक

New Delhi, the 22nd June, 2004

S.O. 1561.—In exercise of the powers conferred on me as Custodian General by Sub-section (3) of Section 55 of the Administration of Evacuee Property Act, 1950 (Act No. 31 of 1950), I, Dr. K.S. Sugathan, Custodian General, hereby delegate to Shri Z.U. Siddiqui, Joint Secretary in the Land and Building Department, Government of National Capital Territory of Delhi, the following powers of the Custodian General :—

- (i) Powers under Section 24 of the said Act to hear appeals;
- (ii) Powers of revision under Section 27 of the said Act;

- (iii) Powers of approval of transfer of any Evacuee Property under Section 10(2)(O) of the Act;
- (iv) Power of transfer of cases under Rule 30-A of Administration of Evacuee Property (Central Rules), 1950;

2. This supersedes Notification No. 1(6)/93-Settlement (D) dated 21-8-2002.

[No. 1(2)/2004-R&SO (D)]

Dr. K. S. SUGATHAN, Custodian General

कार्मिक, लोक-शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण-विभाग)

नई दिल्ली, 30 जून, 2004

का. आ. 1562.—केन्द्रीय सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 संपठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, बिहार राज्य सरकार के गृह (पुलिस) विभाग की अधिसूचना सं. 1/सी.बी.आई.-8044/2003-एच(पी)-311 दिनांक 9-1-2004 और सुद्धि पत्र सं. 1/सी.बी.आई.-80-44/3-एच (पी) दिनांक 15-05-2004 द्वारा प्राप्त बिहार राज्य सरकार की सहमति से पुलिस स्टेशन, सासाराम में भारतीय-दंड संहिता की धारा 376 बी/34 के अधीन दर्ज मामला सं. 243/2003 दिनांक 4-5-2003 तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत उक्त अपराध से संबंधित अथवा संशक्त किसी अन्य अपराध के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण बिहार राज्य पर करती है।

[सं. 228/8/2004-ए.बी.डी.-II]

अनिल गर्ग, उप सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel & Training)

New Delhi, the 30th June, 2004

S.O. 1562.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of Delhi Special Police Establishment Act, 1946 (Act. No. 25 of 1946), the Central Government with the consent of State Government of Bihar, Home (Police) Department vide Notification No. 1/CBI-8044/2003-H (P)-311 dated 9-1-2004 and Corrigendum No. 1/CBI-80-44/03-H (P) dated 15-5-2004 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Bihar for investigation of Case No. 243/2003 dated 4-5-2003 registered at Police Station Sasaram under Section 376 B/34 IPC and any other offence in relation to or in connection with the said offence committed in the course of the same transaction or arising out of the same facts.

[No. 228/08/2004-AVD-II]

ANIL GARG, Dy. Secy.

कार्यालय मुख्य आयकर आयुक्त

उदयपुर, 28 मई, 2004

सं. 1/20

का.आ.1563.—आयकर अधिनियम, 1961 (1961 की 43) की धारा 10 के खण्ड (23ग) की उप-धारा (vi) के साथ पठित आयकर नियमावली, 1962 के नियम 2गक के द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, मुख्य आयकर आयुक्त, उदयपुर "मेयो कॉलेज जनरल काउंसिल, अजमेर (राजस्थान) (एजुकेशन बोडी-ए.ओ.पी.)" को उक्त धारा के प्रयोजन हेतु निर्धारण वर्ष 2004-2005 के लिए अनुमोदन करते हैं।

परन्तु यह तब जब कि सोसायटी आयकर अधिनियम, 1961 की धारा 10 के खण्ड (23ग) की उप-धारा (vi) के साथ पठित आयकर नियमावली, 1962 के नियम 2गक के प्रावधानों की पुष्टि एवं अनुपालना करती है।

[सं. मु.आ.आ./उदय/आ.अ.(प्रशा)/10(23ग)(vi)/2004-05]

सुधाकर वर्मा, मुख्य आयकर आयुक्त

OFFICE OF THE CHIEF COMMISSIONER OF INCOME TAX

Udaipur, the 28th May, 2004

No. 1/20

S.O. 1563.—In exercise of the powers conferred by Sub-section (vi) of Clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) read with rule 2CA of the Income-tax Rules, 1962, the Chief Commissioner of Income-tax, Udaipur hereby approves "Mayo College General Council, Ajmer (Rajasthan) (Educational Body-AOP)" for the purpose of said section for the assessment years 2004-2005.

Provided that the society conforms to and complies with the provisions of Sub-section (vi) of Clause (23C) of Section 10 of the Income-tax Act, 1961, read with rules 2CA of the Income-tax Rules, 1962.

[No. CCIT/UDR/ITO(A)/10(23C)(VI)/2004-05]

SUDHAKAR VARMA, Chief Commissioner of Income tax

वित्त मंत्रालय

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 22 जून, 2004

(आयकर)

का.आ.1564.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (10ग) के उप-खण्ड (VII ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा सोसायटी पंजीकरण अधिनियम, 1860 (1860 का 21) के अन्तर्गत पंजीकृत "गवर्नमेंट टूल रूम एण्ड ट्रेनिंग सेंटर, राजाजीनगर इंडस्ट्रियल एस्टेट, बंगलौर" को उक्त उपखंड के प्रयोजनार्थ विनिर्दिष्ट करती है।

[सं. 159/2004/फा. सं. 200/7/2003-आयकर नि.-1]

आई.पी.एस. बिन्दा, अवर सचिव

MINISTRY OF FINANCE
(Department of Revenue)
(CENTRAL BOARD OF DIRECT TAXES)
New Delhi, the 22nd June, 2004
(INCOME-TAX)

S.O. 1564.—In exercise of the powers conferred by sub-clause (viiC) of clause (10C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby specifies the "Govt. Tool Room & Training Centre, Rajajinagar Industrial Estate, Bangalore", registered under the Societies Registration Act, 1860 (21 of 1860), for the purpose of the said sub-clause.

[No. 159/2004/F.No. 200/7/2003-ITA. I]

I.P.S. BINDRA, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 30 जून, 2004

का.आ. 1565.—बैंककारी विनियमन अधिनियम, 1949 (1949 की 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उप-धारा (1) के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 2005 तक दि दार्जिलिंग जिला मध्यवर्ती सहकारी बैंक लि., पश्चिम बंगाल पर लागू नहीं होंगे।

[फा. सं. 1(10)/2004-एसी]

खड्ग सिंह, अवर सचिव

(Department of Economic Affairs)
(BANKING DIVISION)

New Delhi, the 30th June, 2004

S.O. 1565.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on recommendation of the Reserve Bank of India declares that the provisions of Sub-section (1) of Section 11 of the said Act shall not apply to The Darjeeling District Central Co-operative Bank Ltd., West Bengal from the date of publication of this notification in the Official Gazette till 31 March, 2005.

[F. No. 1(10)/2004-AC]

KHARG SINGH, Under Secy.

नई दिल्ली, 30 जून, 2004

का.आ. 1566.—बैंककारी विनियमन अधिनियम, 1949 (1949 की 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 2006 तक दि मुर्शिदाबाद जिला मध्यवर्ती सहकारी बैंक लि., पश्चिम बंगाल पर लागू नहीं होंगे।

[फा. सं. 1(12)/2004-एसी]

खड्ग सिंह, अवर सचिव

New Delhi, the 30th June, 2004

S.O. 1566.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on recommendation of the Reserve Bank of India declares that the provisions of Sub-section (1) of Section 11 of the said Act shall not apply to The Murshidabad District Central Co-operative Bank Ltd., West Bengal from the date of publication of this notification in the Official Gazette till 31 March, 2006.

[F. No. 1(12)/2004-AC]

KHARG SINGH, Under Secy.

नई दिल्ली, 30 जून, 2004

का.आ. 1567.—बैंककारी विनियमन अधिनियम, 1949 (1949 की 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 2006 तक दि अरुणाचल प्रदेश राज्य सहकारी एपेक्स बैंक लि., अरुणाचल प्रदेश पर लागू नहीं होंगे।

[फा. सं. 1(11)/2004-एसी]

खड्ग सिंह, अवर सचिव

New Delhi, the 30th June, 2004

S.O. 1567.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking regulation Act, 1949 (10 of 1949), the Central Government on recommendation of the Reserve Bank of India declares that the provisions of Sub-section (1) of Section 11 of the said Act shall not apply to The Arunachal Pradesh State Co-operative Apex Bank Ltd., Arunachal Pradesh from the date of publication of this notification on the Official Gazette till 31 March, 2006.

[F. No. 1(11)/2004-AC]

KHARG SINGH, Under Secy.

संचार और सूचना प्रौद्योगिकी मंत्रालय

(डाक विभाग)

नई दिल्ली, 16 जून, 2004

का.आ. 1568.—राजभाषा नियम, (संघ के शासकीय प्रयोजन के लिए प्रयोग), 1976 के नियम-10 के उप नियम (4) अनुसरण में केन्द्र सरकार डाक विभाग के निम्नलिखित अधीनस्थ कार्यालयों को, जिनके 80 प्रतिशत कर्मचारियों (गुप 'घ' कर्मचारियों को छोड़कर) ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

1. अभ्यंकर नगर डाकघर-440010
2. अमरावती रोड डाकघर-440010
3. बेझन बाग डाकघर-440004
4. बोरगांव रोड डाकघर-440013

5. कोल इस्टेट डाकघर-440001
6. कांग्रेस नगर डाकघर-440012
7. सी आर पी एफ डाकघर-440019
8. धंतोली डाकघर-440012
9. गांधी नगर डाकघर-440010
10. गिरीपेठ डाकघर-440010
11. गिह्नी खदान डाकघर-440013
12. गोलपेठ डाकघर-440010
13. हितवाद डाकघर-440012
14. आई बी एम डाकघर-440001
15. कस्तूरचंद पार्क डाकघर-440001
16. काटोल रोड डाकघर-440013
17. खामला डाकघर-440025
18. लक्ष्मीनगर डाकघर-440022
19. मानकापुर डाकघर-440030
20. मोहन नगर डाकघर-440001
21. एन ए टी डी डाकघर-440030
22. नागपुर एअर पोर्ट डाकघर-440005
23. नागपुर टाइम्स डाकघर-440010
24. नीरी डाकघर-440020
25. नेताजी मार्केट डाकघर-440012
26. न्यू कॉलनी डाकघर-440001
27. काचोरे नगर डाकघर-440005
28. पटवर्द्धन ग्राउन्ड डाकघर-440012
29. राणा प्रताप नगर डाकघर-440022
30. रवि नगर डाकघर-440001
31. सदर बाजार डाकघर-440001
32. समर्थनगर डाकघर-440015
33. सेमिनरी हिल्स डाकघर-440005
34. शंकर नगर डाकघर-440010
35. सीताबर्डी डाकघर-440012
36. श्रद्धानंदपेठ डाकघर-440022
37. त्रिमूर्ति नगर डाकघर-440022
38. यूनिवर्सिटी कैम्पस डाकघर-440033
39. उज्ज्वल नगर डाकघर-440025
40. वी आर सी ई डाकघर-440010
41. विवेकानन्द नगर डाकघर-440015
42. वायुसेना नगर डाकघर-440007
43. खरे टाउन डाकघर-440010
44. नागपुर शहर प्रधान डाकघर-440002
45. अजनी डाकघर-440003
46. अयोध्या नगर डाकघर-440024
47. बगडगंज डाकघर-440008
48. चिटणविसपुरा डाकघर-440002
49. दिघोरी नाका डाकघर-440009
50. गंजीपेठ डाकघर-440018
51. हनुमान नगर डाकघर-440009
52. इमामवाड डाकघर-440003
53. जरीपटका डाकघर-440014
54. कलमना मार्केट डाकघर-440008
55. महाल डाकघर-440032
56. मने वाडा रोड डाकघर-440024
57. महात्मा फुले बाजार डाकघर-440018
58. मेडिकल कॉलेज डाकघर-440003
59. महालगी नगर डाकघर-440034
60. मोमिन पुरा डाकघर-440018
61. मॉडल हिल डाकघर-440018
62. नयापुरा डाकघर-440002
63. नैदनवन कॉलानी डाकघर-440009
64. पार्वती नगर डाकघर-440027
65. पंचशील नगर डाकघर-440017
66. रजेरघु नगर डाकघर-440009
67. शनीचरा डाकघर-440018
68. सिद्धार्थ नगर डाकघर-440017
69. उप्पल वाडी डाकघर-440026
70. विश्वकर्मानगर डाकघर-440027
71. डॉ. अम्बेडकर मार्ग डाकघर-440017
72. वर्धमान नगर डाकघर-440008

[सं. 11017-2/2003-रा. भा.]

डा. पुष्पलता सिंह, निदेशक (राजभाषा)

MINISTRY OF COMMUNICATIONS & IT**(Department of Posts)**

New Delhi, the 16th June, 2004

S.O. 1568.—In pursuance of Rule 10 (4) of the Official Language (use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following subordinate offices of the Department of Posts where 80 per cent staff (excluding group 'D' employees) has acquired the working knowledge of Hindi.

1. Abhyankar Nagar P.O. 440010
2. Amravati Road P.O. 440010
3. Bezon Bagh P.O. 440004
4. Borgaon Road P.O. 440013
5. Coal Eastate P.O. 440001
6. Congress Nagar P.O. 440012
7. CRPF P.O. 440019
8. Dhantoli P.O. 440012
9. Gandhi Nagar P.O. 440010
10. Giri Peth. P.O. 440010
11. Gitti Khadan P.O. 440013
12. Gokul-Peth P.O. 440010
13. Hitvada P.O. 440012
14. IBM P.O. 440001
15. Kastur Chand, Park P.O. 440001
16. Katol Road P.O. 440013
17. Khamla P.O. 440025
18. Laxmi Nagar P.O. 440022
19. Mankapur P.O. 440030
20. Mohan Nagar P.O. 440001
21. N.A.T.D. P.O. 440030
22. Nagapur Air Port P.O. 440005
23. Nagpur Times P.O. 440010
24. Neeri P.O. 440020
25. Netaji Market P.O. 440012
26. New Colony P.O. 440001
27. Kachore Nagar P.O. 440005
28. Patwardhan Ground P.O. 440012
29. Rana Pratap Nagar P.O. 440022
30. Ravi Nagar P.O. 440001
31. Sadar Bazar P.O. 440001
32. Samarth Nagar P.O. 440015
33. Seminary Hills P.O. 440005
34. Shankar Nagar P.O. 440010
35. Sita Baldi P.O. 440012
36. Shradhanand Peth P.O. 440022
37. Trimurti Nagar P.O. 440022
38. University Campus P.O. 440033
39. Ujwal Nagar P.O. 440025
40. V.R.C.E. P.O. 440010
41. Vivekanand Nagar P.O. 440015
42. Vayusena Nagar P.O. 440007
43. Khare Town P.O. 440010
44. Nagpur City H.R.O. 440002
45. Ajni P.O. 440003
46. Ayodhya Nagar P.O. 440024
47. Bagad Ganj P.O. 440008
48. Chitanavispur P.O. 440002
49. Dighori Naka P.O. 440009
50. Ganji Peth P.O. 440018
51. Hanuman Nagar P.O. 440009
52. Imamwada P.O. 440003
53. Jaripatka P.O. 440014
54. Kalamana Market P.O. 440008
55. Mahal P.O. 440032
56. Mane Wada Road P.O. 440024
57. Mahatma Fule Bazar P.O. 440018
58. Medical College P.O. 440003
59. Mhalgi Nagar P.O. 440034
60. Mominpura P.O. 440018
61. Model Mill P.O. 440018
62. Naya Pura P.O. 440002
63. Nandanvan Colony P.O. 440009
64. Parvati Nagar P.O. 440027
65. Panchsheel Nagar P.O. 440017
66. R. R. Nagar P.O. 440009
67. Shanichara P.O. 440018
68. Shidharth Nagar P.O. 440017
69. Uppal Wadi P.O. 440026
70. Vishwakarma Nagar P.O. 440027
71. Dr. Ambedkar Nagar P.O. 440017
72. Wardhaman Nagar P.O. 440008

[No. 11017-2/2003-OL]

Dr. PUSHPLATA SINGH, Director (OL)

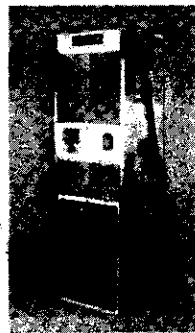
उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 16 जून, 2004

क्रा० आ० 1569.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा बाट और मापन में यू एस ए राष्ट्रीय सम्मेलन द्वारा अनुमोदित मॉडल प्रमाण-पत्र के साथ प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम के तीसरे परन्तुक की उपधारा (3) और धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स क्लीन फ्यूलिंग टेक्नोलॉजी (सी एफ टी), 140 मार्केट स्ट्रीट, जार्ज टाउन टेक्सास 78626, यू एस ए द्वारा विनिर्मित डीसेनस और भारत में मैसर्स एचटी प्रोसेस कंट्रोल लि० 99-डी एच एस आई डी सी, इन्डस्ट्रीयल एस्टेट सैक्टर 31, फरीदाबाद 121003 द्वारा विपणित 6000 और 7000 श्रृंखला के " प्रो सी " ब्रांड के आटो एल पी जी डीसेनसर के मॉडल को और चिह्न आई एन डी/13/2003/590 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल अंकी संप्रदर्श सहित खुदरा मोटर इंधन वितरक है, बिक्री प्रदर्श और परिणाम प्रदर्श 7 अंकों में उपदर्शित होती है और यूनिट कीमत 5 अंकों में उपदर्श होती है। इलेक्ट्रानिक योग संपूर्ण बिक्री उपदर्शित करता है। उक्त मॉडल में एकल और दोहरे होस समाकृति आलोक्ति द्रव्य, किस्ट उपदर्श, बैटरी बैक द्वारा निर्माण और दबावी वालव वाले गुण हैं। अधिकतम प्रवाह दर 151 लीटर प्रतिमिनट और न्यूनतम प्रवाह 9.4 लीटर प्रति मिनट है। अधिकतम दाब 20.4 कि०ग्र०/से०मि०² मशीन द्रवित सम्पीडित गैस को संचालित करती है।

[फा.सं. डब्ल्यू. एम.-21(64)/2003]

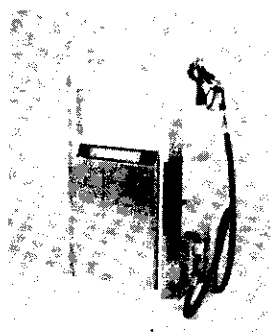
पी० ए० कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**(Department of Consumer Affairs)**

New Delhi, the 16th June, 2004

S.O.1569.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the model approval certificate issued by the National Conference of Weights and Measures USA, is satisfied that the Model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by third proviso to Sub-section (3) and Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves, issues and publishes the certificate of approval of the Model of Auto LPG Dispensers of "Pro C" brand of series 6000 and 7000 manufactured by Clean Fueling Technologies (CFT), 140 Market Street, Georgetown, Texas 78626, USA and marketed in India by M/s HT Process controls (P) Ltd, 99 DHSIDC, Industrial Estate, Sector 31, Faridabad 121 003, and which is assigned the approval mark IND/13/2003/590;



The said Model is a LPG Retail Motor Fuel Dispenser with digital display. The sales display and volume display are indicated by a 7 digits display and Unit price display is indicated by a 5 digit display. An electronic totalizer indicates the totalized sales. The said model has the features of single or dual hose configuration, back lighted liquid crystal display, battery back, built in vapour eliminator and pressured differential valve. Maximum flow rate is 151 litre per minute and minimum flow rate is 9.4 litre per minute. Maximum pressure is 20.4 kg/cm², the machine handles Liquefied Compressed Gas (LPG).

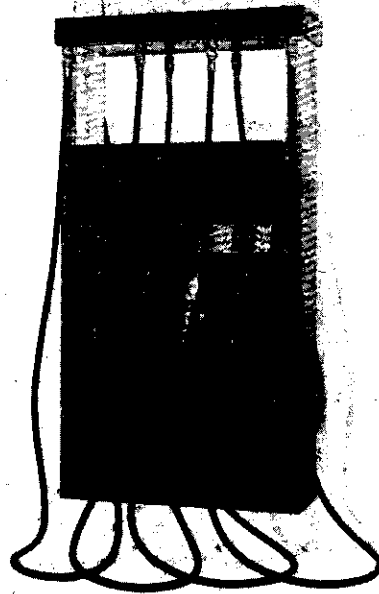
[F. No. WM-21(64)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 16 जून, 2004

का० आ० 1570.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा बीजिंग चांग जी सर्विस स्टेशन, इक्विपमेंट कं. लिमिटेड, जिन्हें इण्डस्ट्रियल जोन, जिआन्सि रोड, डब्ल्यू. पिंगू, 101200 बीजिंग, पीपल्स रिपब्लिक आफ चीन द्वारा जारी माडल अनुमोदन प्रमाण-पत्र के साथ उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (3) के तीसरे परन्तुक और उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स बीजिंग चांग जी सर्विस स्टेशन, इक्विपमेंट कं. लिमिटेड, जिन्हें इण्डस्ट्रियल जोन, जिआन्सि रोड, डब्ल्यू. पिंगू, 101200 बीजिंग, पीपल्स रिपब्लिक आफ चीन द्वारा विनिर्मित और भारत में बिक्री से पहले या पश्चात् आयातित अनुमोदन उपकरण में कोई परिवर्धन या परिवर्तन किए बिना मैसर्स वीदर रूट एशिया प्रा. लिमिटेड, 16, आविष्कार, महन्त रोड, विले पार्ले ईस्ट, मुंबई-400057 द्वारा विपणित "टी एफ 7202" श्रृंखला के ईंधन वितरण सुविधा के पम्प के मॉडल का और जिसे चिह्न आई एन डी/13/2003/629 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



यह मॉडल बहु उत्पाद ईंधन वितरक है। इसकी अधिकतम बहाव दर 50 लीटर/मिनट और न्यूनतम बहाव दर 5 लीटर/मिनट है और यथार्थता वर्ग 0.3 वाला है। इसकी न्यूनतम मापमान मात्रा 5 लीटर है। अधिकतम एकक मूल्य 4 अंकक के एक अंकक प्रदर्श पर प्रदर्शित किया जाता है और अधिकतम संदेय मूल्य 6 अंकक प्रदर्श पर प्रदर्शित किया जाता है।

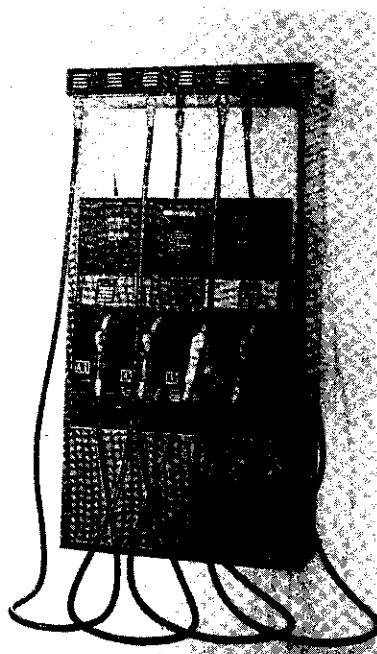
[फा.सं. डब्ल्यू. एम.-21(143)/2003]

पी० ए० कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th June, 2004

S.O. 1570.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the model approval certificate issued by the Beijing Chang Gi Service Station, Equipment Co. Limited, Binhe Industrial Zone, Jianshi Road W. Pinggu, 101 200 Beijing, People's Republic of China, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by third proviso to Sub-sections (3) and Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Fuel Dispensing Pumps of Advantage series No. TF 7202 manufactured by Beijing Chang Gi Service Station, Equipment Co Limited, Binhe Industrial Zone, Jianshi Road W. Pinggu, 101 200 Beijing, People's Republic of China, marketed in India without making any addition or alteration in the imported approval instruments before or after sale, by M/s. Veeder Root Asia Pvt. Limited, 16, Aviskhar, Mahant Road, Vile Parle East, Mumbai-400 057 and which is assigned the approval mark IND/13/03/629:



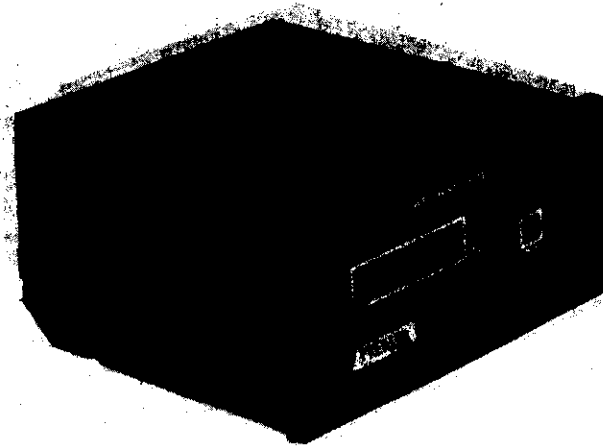
The Model is a Multi Product Fuel Dispenser with maximum flow rate of 50 litre/minute and minimum flow rate of litre/minute and belonging to accuracy class 0.3. The minimum measure quantity is 5 litres. The maximum unit price is indicated on a digital display of 4 digits and maximum price to pay indicated on 6 digit display.

[F. No. WM-21(143)/2003]
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 18 जून, 2004

का० आ० 1571.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रीमियर इंजीनियरिंग वर्क्स, 16 ए, हाल्दरपारा लेन, हावडा-711104 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "पी ई ई-91/सी" "शृंखला के स्वतः सूचक, अस्वचालित अंकक सूचन सहित तोलन उपकरण" तुला चौकी के लिए सपरिवर्तन किट के मॉडल का जिसके ब्रांड का नाम "प्रीमियर" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/331 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल (ऊपर दी गई आकृति देखें) एक भार सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 60 टन और न्यूनतम क्षमता 200 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 10 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील बन्द करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सील बन्दी की जाएगी।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, शुद्धता, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित जिससे अनुमोदित मॉडल का विनिर्माण किया गया है। उसी के वैसे ही.मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि. ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10000 तक की रेंज में सत्यापन मान अंतराल (एन) की संख्या सहित 5 टन से अधिक और 100 टन के रेंज की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 है जिसमें के धनात्मक या ऋणत्मक पूर्णांक या शून्य के समतुल्य है।

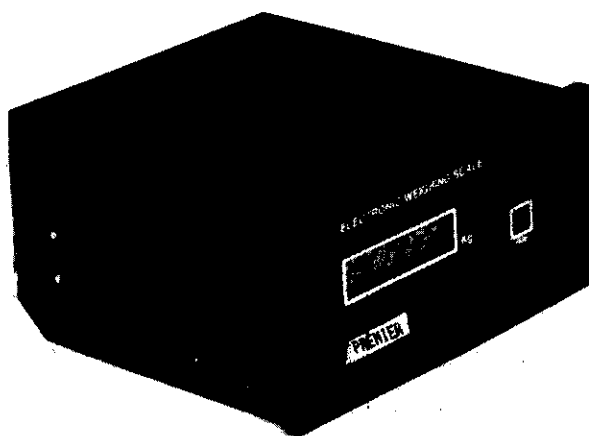
[फा.सं. डब्ल्यू. एम.-21(65)/2000]

पी० ए० कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th June, 2004

S.O. 1571.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self-indicating, non-automatic weighing instrument (Conversion kit for weigh bridge) of "PEE-91/C" series of medium accuracy (Accuracy class III) and with brand name "PREMIER" (hereinafter referred to as the said model), manufactured by M/s. Premier Engineering Works, 16A, Halderpara Lane, Howarah-711 104 and which is assigned the approval mark IND/09/2003/331;



The said Model (see the figure given above) is a load cell based weighing instrument with a maximum capacity of 60 tonnes and minimum capacity of 200kg. The verification scale interval (e) is 10kg. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply;

Sealing : In addition to sealing the stamping plate, the sealing shall also be done to prevent the opening of the machine to avoid fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the other weighing instruments of same accuracy class and of same make with maximum capacity ranging from 5 tonne to 100 tonnes and with number of verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5kg or more and with 'e' value 1×10^k , 2×10^k , 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design, accuracy and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(65)/2000]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 24 जून, 2004

का० आ० 1572.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स लुहार भगवान हका, श्रमजीवीनगर, बी/एच रेलवे क्रॉसिंग, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित गणक मशीन के मॉडल का (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) जिसके ब्रांड का नाम "एल बी एच" और जिसके अनुमोदन चिह्न आई एन डी/09/2003/29 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) गणक मशीन है। इसकी अधिकतम क्षमता 10 कि.ग्रा. है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्रा. से 50 कि. ग्रा. तक की रेंज में हैं।

[फा.सं. डब्ल्यू. एम.-21(200)/2002]

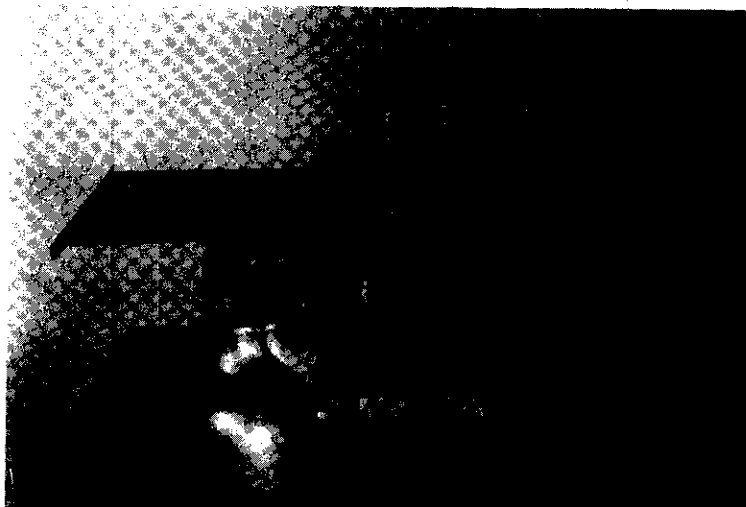
पी० ए० कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th June, 2004

S.O. 1572.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of Counter Machine with brand name "LBH" (herein referred to as the Model), Manufactured by M/s Luhar Bhagwan Haka, Shramjivinagar, B/H Railway Crossing Savarkundla-364 515 (Gujarat) and which is assigned the approval mark IND/09/2003/29;

The said Model (see the figure) is a Counter Machine. The maximum capacity is 10kg.



Further, in exercise of the powers conferred by sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the counter machine of same series with capacity ranging from 500g to 50 kg Manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(200)/2002]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

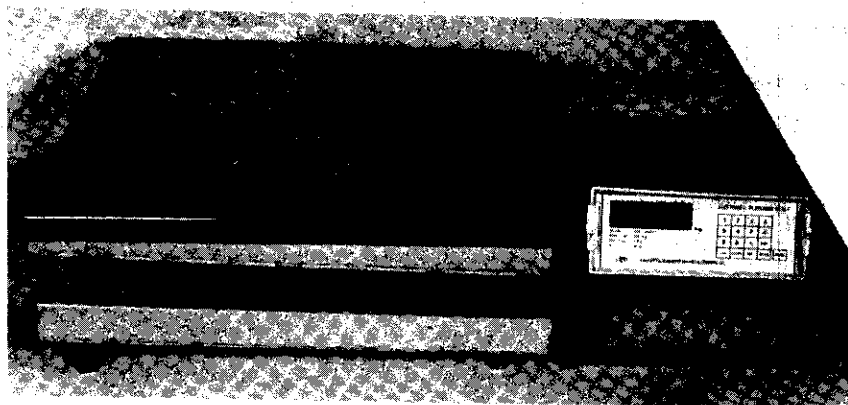
नई दिल्ली, 24 जून, 2004

का० आ० 1573.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स कलकत्ता मशीन मैन्यूफैक्चरिंग कं., 8/एच/1, राममोहन बेरा लेन, कोलकाता-700046 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-3) वाले "सी एम 302" शृंखला के अस्वचालित, अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का जिसके ब्रांड का नाम "सी एम एम सी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/574 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 200 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अंतराल 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।

स्टाम्पिंग प्लेट मुद्रांकित करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन खोले जानो को रोकने के लिए भी सील की जा सकती है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्माण किया गया है। विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से 500 कि. ग्रा. तक की अधिकतम क्षमता रेंज वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

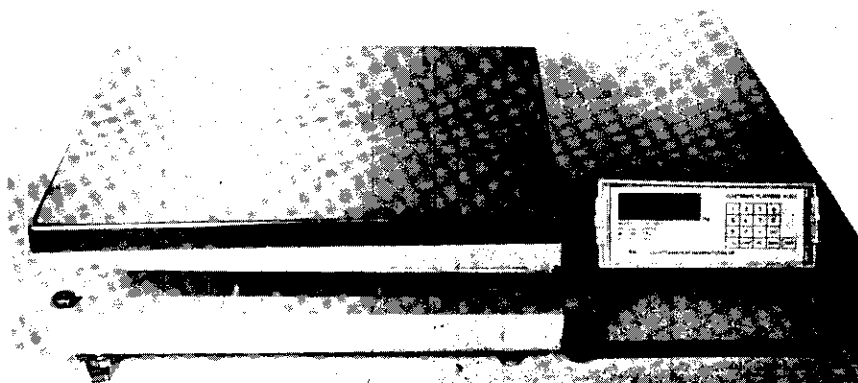
[फा.सं. डब्ल्यू. एम.-21(268)/2001]

पी० ए० कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th June, 2004

S.O. 1573.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Platform type) with digital indication of "CM 3002" series of medium accuracy (Accuracy class III) and with brand name "CMMC" (herein referred to as the said model), manufactured by M/s. Calcutta Machine Manufacturing Co., 8/H/1, Rammohan Bera Lane, Kolkotta-700 046, and which is assigned the approval mark IND/09/2003/574;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 200kg minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 500kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(268)/2001]

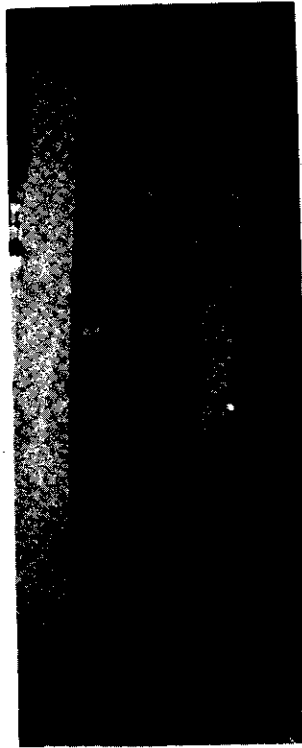
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 24 जून, 2004

का. आ. 1574.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नार्दन स्केल कं., बी-31, मायापुरी इण्डस्ट्रियल एरिया, फेज-1, नई दिल्ली-110064 द्वारा विनिर्मित साधारण यथार्थता (यथार्थता वर्ग-III) वाले और "एन एस सी" श्रृंखला के प्रिन्ट और भार संवेदक सहित अस्वचालित तोलन उपकरण (व्यक्ति तोलन मशीन) के माडल का, जिसके ब्राण्ड का नाम "डिजिटल 150 ए" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/610 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त माडल एक यंत्रिक स्प्रिंग आधारित प्रिन्ट और भार संवेदक सहित अस्वचालित तोलन उपकरण (व्यक्ति तोलन मशीन) है। इसकी अधिकतम क्षमता 150 कि.ग्रा. और न्यूनतम क्षमता 5 कि.ग्रा. और साधारण यथार्थता वर्ग (यथार्थता वर्ग-III) का है। सत्यापन मापमान अन्तराल (ई) का मान 500 ग्रा. है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित माडल विनिर्मित किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 ग्रा. या उससे अधिक के "ई" मान के लिए 100 से 1000 तक की रेंज में (सत्यापन मान अंतराल एन) सहित 100 से अधिक और 150 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^0 , 2×10^0 या 5×10^0 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतल्य हैं।

[फा.सं. डब्ल्यू.एम-21(299)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th June, 2004

S.O. 1574.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of Model of non-automatic weighing instrument (Person weighing machine) with printer and height sensor (hereinafter referred to as the said model) belonging to ordinary accuracy class (Accuracy class-III) and "NSC" series with brand name "DIGITAL 150A", manufactured by M/s. Northern Scales Company, B-31, Mayapuri Industrial Area, Phase-I, New Delhi-110 064, and which is assigned the approval mark IND/09/2003/610 ;

The said model is a mechanical spring based non-automatic weighing instrument (Person weighing machine) with printer and height sensor of maximum capacity 150 kg. minimum capacity 5kg and belonging to ordinary accuracy class (Accuracy class-III). The value of verification scale interval 'e' is 500g.



Further, in exercise of the powers conferred by Sub-section (12) of Section, 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 100kg and up to 150kg and with number of verification scale interval (n) in the range of 100 to 1000 for 'e' value of 100g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model have been manufactured.

[F. No. WM-21(299)/2001]

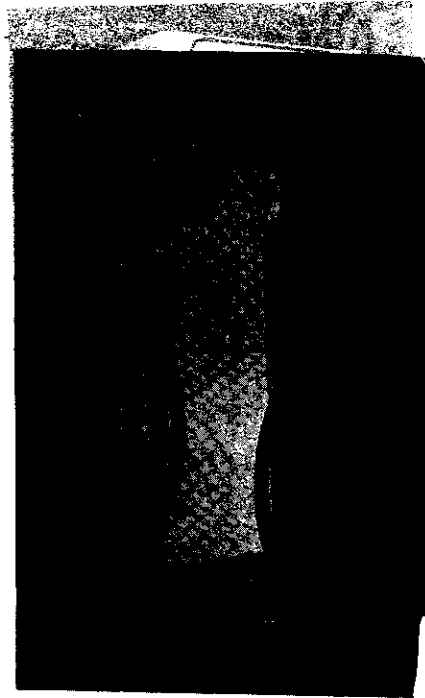
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 24 जून, 2004

का. आ.1575.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (जोने दी गई शक्ति देखें) बाढ़ और माफ़ मरुतक अधिनियम, 1976 (1976 का 60) तथा जार और ताम मरुतक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि संगीतार प्रयोग/की अवधारणा/की उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा।

अतः अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मर्केन्टाइल एण्ड इण्डस्ट्रियल डवलपमेंट क. लि., प्लॉट नं. 39/44, स्काम-6, रोड-3, सिडको (पु.) मंडल, 400022, मध्य प्रदेश द्वारा विनिर्मित "मिडको कन्वर्जन" शृंखला के अंकक सूचक सहित मैकेनिकल डिस्सेसिंग पम्प के लिए इसी कालिका कालांतरित किट के माडल का जितने जवाबदा नाम "मिडको" है (जिसे इसमें इसको पश्चात् उक्त माडल कहा गया है) और जिसे अनुसंधान विभाग आई/डी/09/2003/527 से अनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

स्टाम्पिंग प्लेट मुद्रांकित करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन खोले जाने को रोकने के लिए भी सीलबन्द भी किया जाएगा।



उक्त माडल अंकक सूचक सहित मैकेनिकल डिस्सेसिंग पम्प को इसी कालिका कालांतरित किट में परिवर्तित करने के लिए इलेक्ट्रॉनिक कानवर्जन किट है। इसकी अधिकतम प्रक्षेप प्रवाह दर 80 लीटर प्रति मिनट है। धन और मात्रा के लिए इसमें पूर्वनिर्धारित नियमों का अनुपालन करना आवश्यक है। क्रिस्टल प्रदर्शन (एल सी डी) प्रकार का है। अधिकतम मात्रा और मूल्य प्रदर्शन 6 अंकों में है और सबसे छोटा प्रदर्शन 10 मि.मी. है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

[फा.सं. डब्ल्यू एम-21(135)/2002]

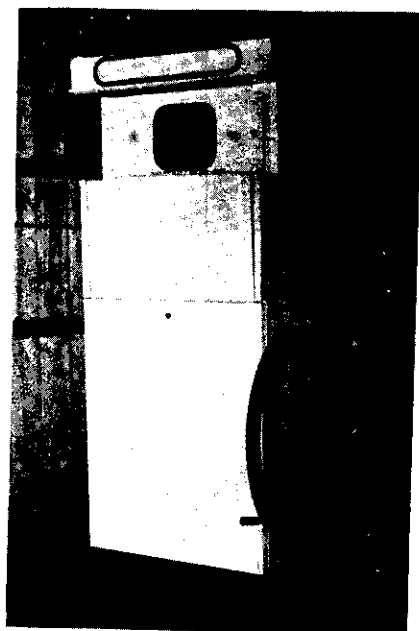
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th June, 2004

S.O.1575.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of Electronic Conversion Kit for Mechanical Dispensing Pump with digital indication (herein referred to as the model) of "MIDCO CONVERSION" series with brand name "MIDCO", manufactured by M/s Mercantile and Industrial Development Company Limited, Plot No. 39/44, Scheme-6, Road-2, Sion (E) Mumbai-400022, Maharashtra and which is assigned the approval mark IND/09/2003/527 ;

In addition to sealing the stamping plate, sealing shall also be done on the Metering unit and totalized to prevent the fraudulent practices.



The said Model (See the figure given above) is an electronic conversion kit for converting mechanical dispensing pump into electronic dispensing pump with digital display. The maximum flow rate observed is 80 liters per minute. It has preset device for money and volume. The display is of liquid crystal display (LCD) type. The maximum volume and price display is in 6 digits and the smallest display is 10 ml. The instrument operates on 230V, 50 Hertz alternate current power supply.

[F. No. WM-21(135)/2002]

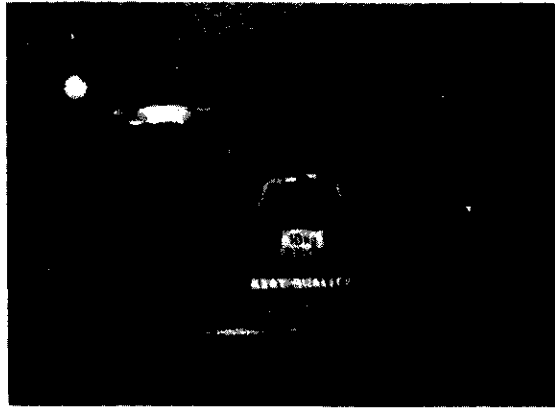
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 24 जून, 2004

का. आ.1576.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट तथा माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स दामजी गोविन्द जी ग्रुप हाथस्नी रोड, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित गणक मशीन के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसके ब्राण्ड का नाम "दामजी गोविन्द जी ग्रुप" और जिसे अनुमोदन चिह्न आई एन डी/09/2003/197 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त माडल (नीचे दी गई आकृति देखें) गणक मशीन है। इसकी अधिकतम क्षमता 10 कि.ग्रा. है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित माडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्रा. से 50 कि. ग्रा. तक की रेंज में हैं।

[फा.सं. डब्ल्यू एम-21(280)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th June, 2004

S.O. 1576.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Counter Machine with brand name "DAMJI GOVINDJI GROUP" (herein referred to as the Model), manufactured by M/s Damji Govindji Group, Hathasni Road, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/03/197;

The said model (see the figure given) is a Counter Machine. The maximum capacity is 10kg.



Further, in exercise of the powers conferred by Sub-section (12) of Section, 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the Counter Machine of similar make, accuracy and performance of same series with maximum capacity ranging from 500g to 50kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

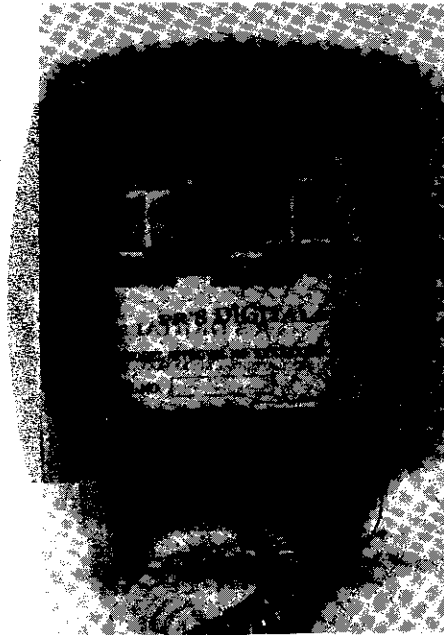
[F. No. WM-21(280)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 24 जून, 2004

का. आ. 1577.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान ही गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स पी आर एस डिजिटल्स, प्लॉट सं. 127, रोड सं. 74, जुबली हिल्स, हैदराबाद-500033 द्वारा विनिर्मित पी आर 2003 मूखला के अंकक सूचन सहित "टेक्सी मीटर" के मॉडल का, जिसके ब्राण्ड का नाम "पी आर डिजिटल मीटर" (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/564 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



"टेक्सी मीटर" का उक्त मॉडल समक्ष और दूरी मापन वाला उपकरण है जो निरन्तर रूप से योग करता रहता है और यात्रा के किसी भी समय पर, पब्लिक वाहन के यात्री द्वारा संदेय प्रभार और की गई यात्रा की दूरी और कतिपय गति के नीचे अधिकृत समय के रूप में प्राधिकृत किराया के अनुसार अनुपूरक प्रभारों से मुक्त किराया उपदेशित करता है। के. घटक 1390 प्लस 1 कि.मी. है।

[फा.सं. डब्ल्यू एम-21(341)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक मामल विज्ञान

New Delhi, the 24th June, 2004

S.O. 1577.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of "Taxi Meter" with digital indication (herein referred to as the model) of "PR-2003" series with brand name "PR Digital Meter" manufactured by M/s PR'S Digitals, Plot No. 127, Road No. 74, Jubilee Hills, Hyderabad-500033 and which is assigned the approval mark IND/09/03/564;



The said model of "Taxi meter" is a time and distance measuring instrument which totalizes continuously and indicates the fare, at any moment of journey, the charges payable by the passenger of a public vehicle as function of the distance travelled and below a certain speed the length of the time occupied, independent of supplementary charges according to the authorized tariffs. The 'k' factor is 1390 pulses/kilometer.

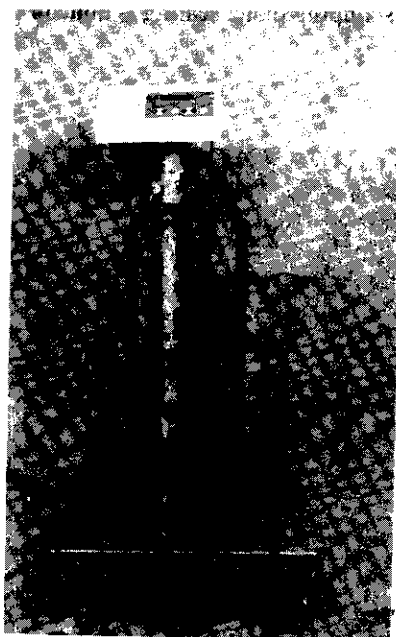
[F. No. WM-21(341)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology.

नई दिल्ली, 24 जून, 2004

का. आ. 1578.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, वह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एटलस वेइंग इक्विपमेंट्स, 735, डा. मुखर्जी नगर, दिल्ली-110009 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "टीटो" शृंखला के अंकक सूचन सहित, स्वतः सूचक, अस्वचालित (प्लेटफार्म प्रकार का) तोलन उपकरण के माडल का, जिसके ब्राण्ड का नाम "टोयो" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/489 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त माडल एक विकृत गेज प्रकार का लोड सेल आधारित दोहरी रेंज वाला तोलन उपकरण है। इसकी अधिकतम क्षमता 100 कि. ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यक्तियों के लिए मशीन को खोलने से रोकने के लिए भी सीलबन्द किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित माडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यभारण के तोलन उपकरण भी होंगे जो 10 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 50 कि.ग्रा. से ऊपर और 300 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^5 , 2×10^5 या 5×10^5 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21(213)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th June, 2004

S.O. 1578.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self-indicating, non-automatic (Plat form type) weighing instrument with digital indication of "IT" series of medium accuracy (accuracy class-III) and with brand name "TOYO" (herein referred to as the said model), manufactured by M/s Atlas Weighing Equipments, 735, Dr. Mukherjee Nagar, Delhi-110 009 and which is assigned the approval mark IND/09/2003/489;

The said model (see the figure given below) is a strain gauge load cell based type dual range weighing instrument with a maximum capacity of 100 kg and minimum capacity of 1 kg. The verification scale interval (e) is 50g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The instrument operates on 230 Volts and 50-Hertz alternate current power supply.

Sealing : In addition to sealing stamping plate, sealing is done to prevent the opening machine for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of section, 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity ranging above 50kg to 300kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 10g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approval model has been manufactured.

[F. No. WM-21(213)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology.

नई दिल्ली, 24 जून, 2004

का० आ० 1579.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एटलस वेइंग इक्विपमेंट्स, 735, डा० मुखर्जी नगर, दिल्ली-110009 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "टी टी" शृंखला के अंकक सूचन सहित, स्वतः सूचक, अस्वचालित (टेबल प्रकार का) तोलन उपकरण के मॉडल का, जिसके ब्राण्ड का नाम "टोयो" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/488 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का लोड सेल आधारित दोहरी रेंज वाला तोलन उपकरण है। इसकी अधिकतम क्षमता 2 कि.ग्रा. और न्यूनतम क्षमता 20 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सीलबन्द किया जाएगा।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू. एम.-21(213)/2001]

पी० ए० कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

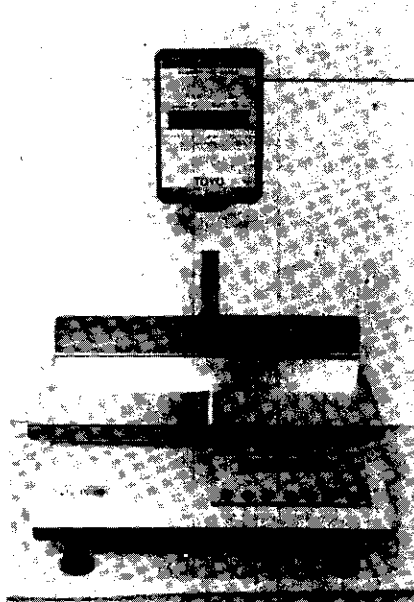
New Delhi, the 24th June, 2004

S.O. 1579.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of self-indicating, non-automatic (Table type) weighing instrument with digital indication of "TT" series of medium accuracy (accuracy class-III) and with brand name "TOYO" (herein referred to as the said model), manufactured by M/s. Atlas Weighing Equipments, 735, Dr. Mukherjee Nagar, Delhi-110009 and which is assigned the approval mark IND/09/2003/488;

The said model (see the figure given below) is a strain gauge type load cell based type dual range weighing instrument with a maximum capacity of 2kg and minimum capacity of 20 g. The verification scale interval (e) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50-Hertz alternate current power supply;

Sealing : In addition to sealing the stamping plate, sealing shall also be done to prevent the opening machine for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity up to 50 kg and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2 g and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

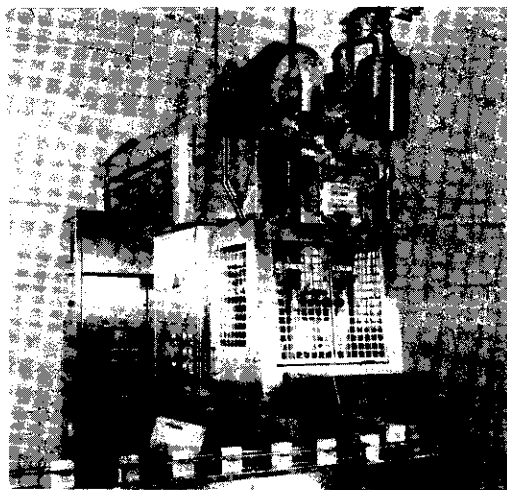
[F. No. WM-21(213)/2001]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 24 जून, 2004

का० आ० 1580.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए टेद्रा पाक इंडिया प्रा. लि., मेफेयर टावर्स, भू तल, वाक्डेवाड़ी, शिवाजी नगर, पुणे-411005 द्वारा विनिर्मित "टीबीए-10" शृंखला के भरण मशीन (अनुमापी प्रकार की भरण और सील मशीन) के मॉडल का, जिसके ब्राण्ड का नाम "टेद्रा पाक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/03/530 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक स्वचालित भरण मशीन (अनुमापी प्रकार की भरण और सील मशीन) है। इसकी अधिकतम क्षमता 200 मि.लीटर या समतुल्य भार की है। इसकी अधिकतम भरण दर 60 पैकेट प्रति मिनट है। मशीन को खनिज जल, दूध, मादक पेय, जूस इत्यादि जैसे मुक्त बहाव वाले अलसीले तरल उत्पादों को भरने के लिए डिजाइन किया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन की स्वचालित भरण मशीन होगी जिनकी अधिकतम क्षमता 200 मि. लीटर है।

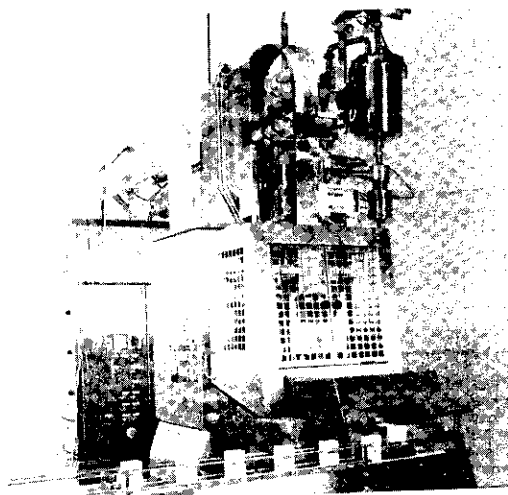
[फा. सं. डब्ल्यू. एम.-21(289)/2002]

पी० ए० कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th June, 2004

S.O. 1580.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of filling machine (Volumetric form fill and seal machine) of 'TBA-10' series with brand name "Tetra Pak" (herein referred to as the said model), manufactured by M/s Tetra Pak India Pvt. Ltd., Mayfair Towers, Ground Floor, Wakdewadi, Shivajinagar, Pune-411005 and which is assigned the approval mark IND/09/03/530;



The said model is an automatic filling machine (Volumetric form fill and seal machine type). Its maximum capacity is 200ml or equivalent weight. It has a maximum fill rate of 60 packs per minute. The machine is designed for filling free flowing non-viscous liquid products like mineral water, milk, beverage, juice, etc.

Further, in exercise of the powers conferred by Sub-section (12) of the Section 36 of the said section, the Central Government hereby declares that this certificate of approval of the said model shall also cover the automatic filling machine of similar make, accuracy and performance of the same series with the maximum capacity up to 200ml manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

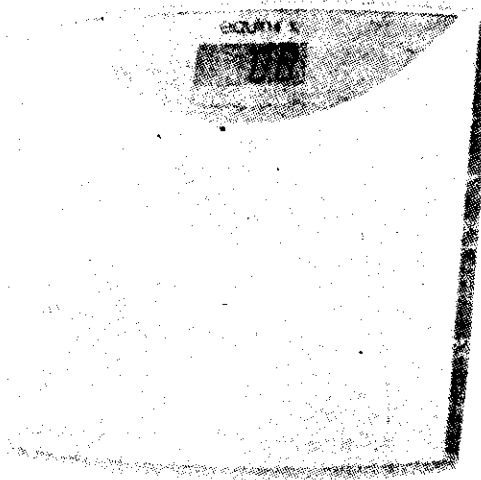
[F. No. WM-21(289)/2002]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 24 जून, 2004

का. आ. 1581.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ओजोन ओवरसीज लिमिटेड, 3/46ए, पश्चिमी पंजाबी बाग, नई दिल्ली-110026 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "ईबी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (व्यक्ति तोलन मशीन) के माडल का, जिसके ब्राण्ड का नाम "इक्विनॉक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/611 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का लोड सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 150 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रकार का है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सीलबन्द किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित माडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मात्र के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान (एन) अंतराल सहित 150 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू. एम.-21(156)/2001]

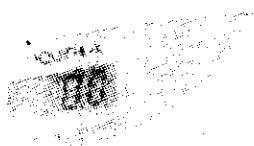
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th June, 2004

S.O. 1581.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument with digital indication (Person weighing machine) of medium accuracy (Accuracy class-III) belonging to 'EB' series with brand name "Equinox" (herein referred to as the said model), manufactured by M/s. Ozone Overseas Limited., 3/46A, West Punjabi Bagh, New Delhi-110 026 and which is assigned the approval mark IND/09/2003/611;

The said model (see the figure given below) is a strain gauge type load cell based weighing instrument with a maximum capacity of 150kg and minimum capacity of 2kg. The verification scale interval (e) is 100g. The Display is of light emitting diode (LED) type.



In addition to sealing the Stamping plate, the machine shall be sealed to prevent its opening for fraudulent practices. Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 150kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(15G)/2001]

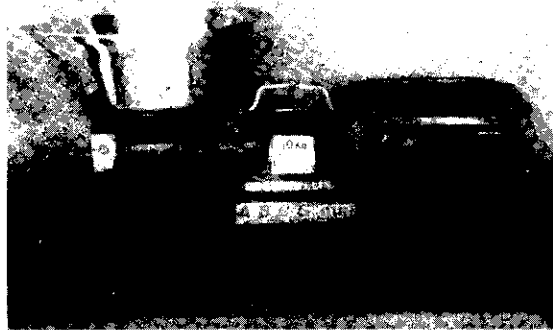
P. A. KRISHNAMOORTHY, Director, of Legal Metrology

नई दिल्ली, 25 जून, 2004

का. आ. 1582.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स, ए बी सी ग्रुप, नियर जयश्री सिनेमा, सावरकुण्डला -364515 (गुजरात) द्वारा विनिर्मित काउंटर मशीन के मॉडल का, जिसके ब्राण्ड का नाम "ए बी सी ग्रुप" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/195 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) काउंटर मशीन है इसकी अधिकतम क्षमता 10 कि.ग्रा. है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यप्रणाली के तोलन उपकरण भी होंगे जो 500 ग्रा. से 50 कि.ग्रा. तक की रेंज में हैं।

[फा.सं. डब्ल्यू. एम.-21(322)/2002]

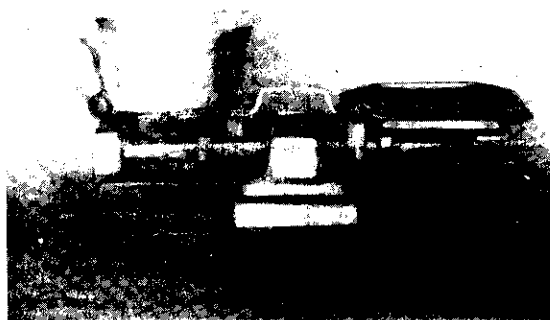
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 25th June, 2004

S.O. 1582.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by Sub-sections (7) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Counter Machine with brand name "ABC GROUP," (herein referred to as the Model), manufactured by M/s ABC Group, Near Jaishree Cinema, Savarkunkla-364515 (Gujarat) and which is assigned the approval mark IND/09/03/195:

The said model (see the figure given below) is a Counter Machine. The maximum capacity is 10Kg.



Further, in exercise of the powers conferred by Sub-section (12) of the said Section the Central Government hereby declares that this certificate of approval of the said Model shall also cover the Counter Machine of similar make, accuracy and performance of same series with maximum capacity ranging from 500g. to 50Kg. manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

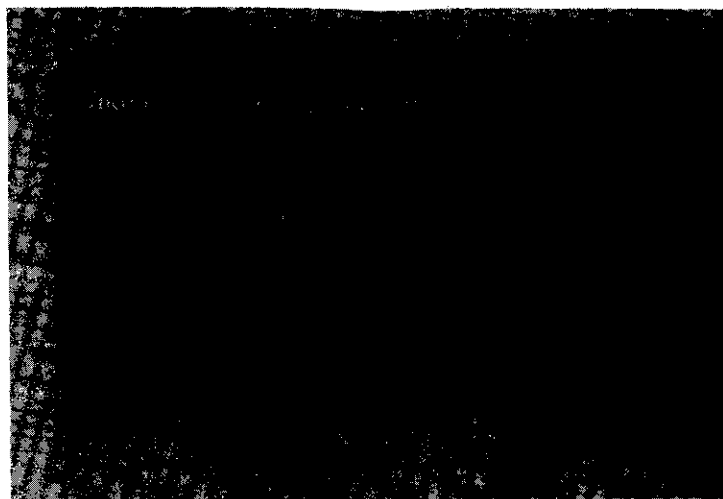
[F. No. WM-21(322)/2002]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 25 जून, 2004

का० आ० 1583.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सीरि कम्यूनिकेशन एण्ड कनसलटेन्ट्स, 31ए एंड बी इलेक्ट्रानिक कामप्लेक्स इण्डस्ट्रियल कैन्टीन के सामने, कुशइगुडा, हैदराबाद-500062 द्वारा विनिर्मित द्वारा विनिर्मित "सीरि 412" श्रृंखला के अंकक सूचन सहित, जिसके ब्राण्ड का नाम "सीरि" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/561 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल टैक्सी मीटर समय और दूरी मापने वाला उपकरण है जो निरन्तर रूप से योग करता रहता है और यात्रा के किसी भी समय पर, पब्लिक वाहन के यात्री द्वारा संदेय प्रभार और की गई यात्रा की दूरी और कतिपय गति के नीचे अधिकृत समय के रूप में प्राधिकृत किराया के अनुसार अनुपूरक प्रभारों से मुक्त किराया उपदर्शित करता है। "के" कारक 700 पल्ज/1 कि.मी. है।

[फा.सं. डब्ल्यू. एम.-21(330)/2002]

पी० ए० कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 25th June, 2004

S.O. 1583.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of “Taxi Meter” with digital indication (hereinafter referred to as the said model) of “SIRI-412” series with brand name “SIRI” manufactured by M/s. Siri Communication & Consultants, 31 A&B, Electronic Complex, Opp. Industrial Canteen, Kushaiguda, Hyderabad-500 062 and which is assigned the approval mark IND/09/03/561;



The said model of “Taxi meter” is a time and distance measuring instrument which totalizes continuously and indicates the fare, at any moment of journey, the charges payable by the passenger of a public vehicle as function of the distance traveled and below a certain speed, the length of the time occupied, independent of supplementary charges according to the authorized tariffs. The ‘K’ factor is 700 pulses/kilometer.

[F. No. WM-21(330)/2002]

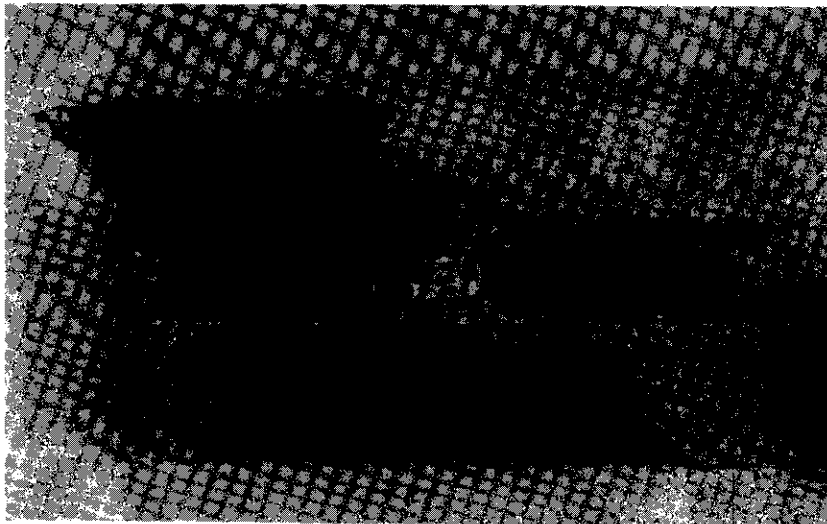
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 25 जून, 2004

का. आ. 1584.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मार्शल स्केल कं०, दवला गेट, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित गणक मशीन के मॉडल का (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) जिसके ब्राण्ड का नाम "मार्शल स्केल कं." और जिसे अनुमोदन चिह्न आई एन डी/09/2003/62 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) गणक मशीन है। इसकी अधिकतम क्षमता 5 कि. ग्रा. है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्रा. से 50 कि. ग्रा. तक की रेंज में हैं।

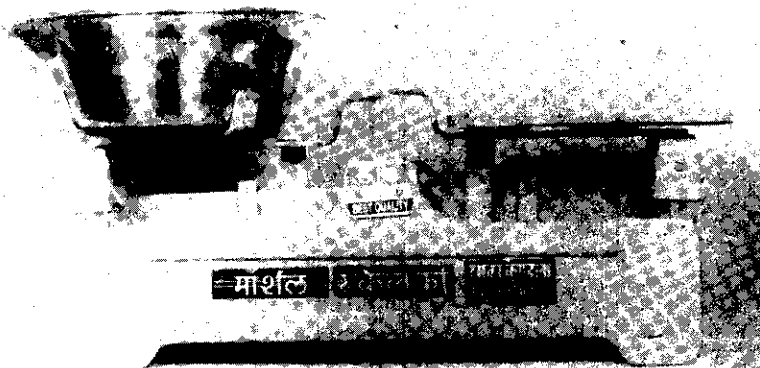
[फा. सं. डब्ल्यू. एम.-21(305)/2002]
पी० ए० कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 25th June, 2004

S.O. 1584.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Counter Machine with brand name Marshal Scale Co., (herein referred to as the Model), manufactured by M/s. Marshal Scale Co., Davle Gate, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/2003/62;

The said model (see the figure) is a Counter Machine The Maximum capacity is 5kg



Further, in exercise of the powers conferred by Sub-section (12) of the said section the Central Government hereby declares that this certificate of approval of the said model shall also cover the counter machine of same series with capacity ranging from 500g to 50 kg manufactured by the same manufacturer with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(305)/2002]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

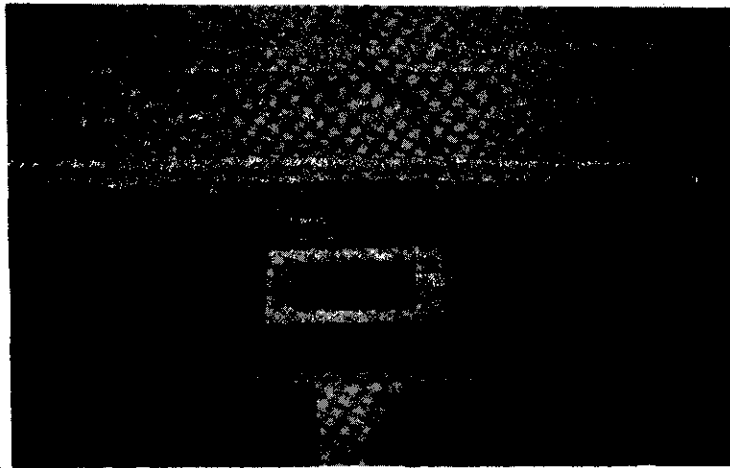
नई दिल्ली, 29 जून, 2004

का. आ. 1585.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट तथा माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रांजली सिस्टम्स, सर्वे सं. 6, वंशीव बस्ती के पास, धनकवाडी, पुणे-411043 द्वारा विनिर्मित माध्यम यथार्थता (यथार्थता वर्ग-III) वाले "पी एस टी" श्रृंखला के अंकक सूचन सहित, स्वतः सूचक, अस्वचालित (टेबल टॉप-डबल रेंज) तोलन उपकरण के मॉडल का, जिसके ब्राण्ड का नाम "टाइटन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/405 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत प्रकार का गैज लोड सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 12 कि. ग्रा. और न्यूनतम क्षमता 20 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 1 ग्रा. से 6 कि. ग्रा. तक और 2 ग्रा. से 6 कि. ग्रा. से ऊपर और 12 कि. ग्रा. तक है। इसमें एक आधेयतुलन युक्ति है जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी शीलबन्द किया जाएगा।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(150)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

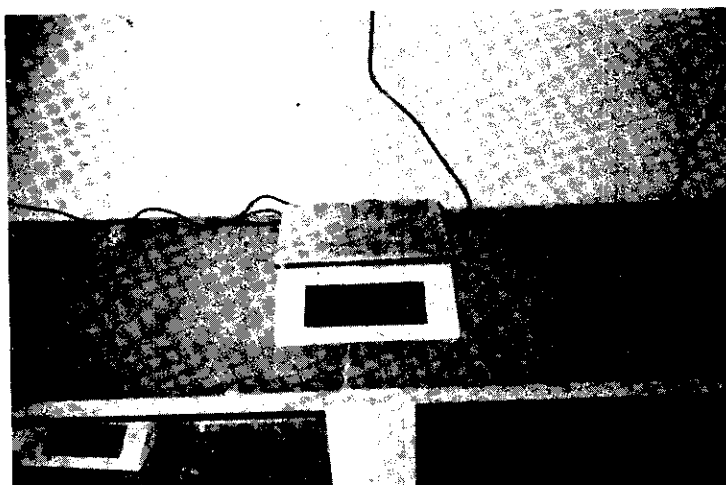
New Delhi, the 29th June, 2004

S.O. 1585.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self-indicating, non-automatic (Table type dual range) weighing instrument with digital Indication of "PST" series of medium accuracy (Accuracy class III) and with brand name "TITAN" (herein referred to as the said Model), manufactured by M/s Pranjali Systems, Survey No. 6, Near Vanshiy Vasti, Dhankawadi, Pune-411043 and which is assigned the approval mark IND/09/2003/405 ;

The said model (see the figure given below) is a strain gauge load cell based type weighing instrument with a maximum capacity of 12kg and minimum capacity of 20g. The verification scale interval (e) is 1g upto 6kg and 2g above 6kg and upto 12kg. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The Instrument operates on 230 Volts and 50-Hertz alternate current power supply;

Sealing : In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of the said Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg and with number of verification scale interval(n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with number of verification scale interval(n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(150)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

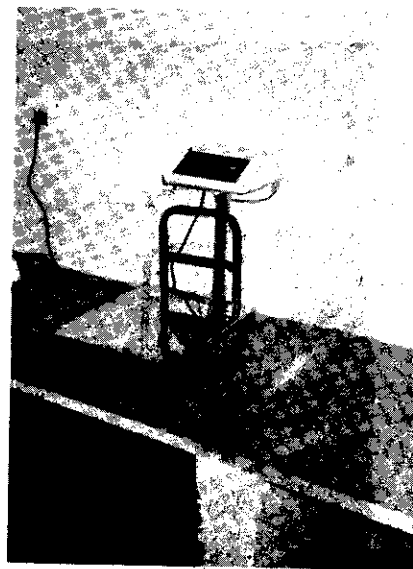
नई दिल्ली, 29 जून, 2004

का. आ. 1586.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट तथा माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लम्बाता प्रयोग की अपेक्षा में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रांजली सिस्टम्स, सर्वे सं. 6, वंशी बस्ती के पास, धनकवाडी, पुणे, -411043 द्वारा विनिर्मित माध्यम यथार्थता (यथार्थता वर्ग-II) वाले "पी एस पी" शृंखला के अंकक सूचन सहित, स्वतः सूचक, अस्वचालित (प्लेटफार्म-डबल रेंज प्रकार) तोलन उपकरण के मॉडल का, जिसके ब्राण्ड का नाम "टाइटन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/406 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत प्रकार का गैज लोड सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 60 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्रा. से 40 कि. ग्रा. तक और 10 ग्रा. से 40 कि. ग्रा. ऊपर और 60 कि. ग्रा. तक है। इसमें एक आधेयतुलन युक्ति है जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टैमिंग प्लेट को मुद्रांकित करने के अतिरिक्त कम्पटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी शीलबन्द किया जाएगा।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यमाला के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में (सत्यापन मापमान एम) अन्तराल सहित 50 कि. ग्रा. से 300 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(150)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th June, 2004

S.O. 1586.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of Model of the self-indicating, non-automatic (Plat form-dual range type) weighing instrument with digital Indication of "PST" series of medium accuracy (Accuracy class III) and with brand name "TITAN" (herein referred to as the said Model), manufactured by M/s Pranjali Systems, Survey No. 6, Near Vanshiv vasti, Dhankawadi, Pune-411043 and which is assigned the approval mark IND/09/2003/406 ;

The said model (see the figure given below) is a strain gauge load cell based type weighing instrument with a maximum capacity of 60kg and minimum capacity of 100g. The verification scale interval (e) is 5g upto 40kg and 10g above 40kg and upto 60kg. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The Instrument operates on 230 volts and 50-Hertz alternate current power supply;

Sealing : In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity ranging from above 50kg upto 300kg and with number of verification scale interval(n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which the approval Model have been manufactured.

[F. No. WM-21(150)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2004

का. आ. 1587.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बेल स्केल्स प्रा. लि., बी-190, 5 मेन रोड, 2 स्टेज, पीनया इंडस्ट्रियल इस्टेट, बेंगलोर-560058 द्वारा विनिर्मित माध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "बी एम-एस एस" श्रृंखला के अस्वचालित तोलन उपकरण (यांत्रिक अर्धस्त सादृश्य उपदर्शित) के मॉडल का, जिसके ब्राण्ड का नाम "बेल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/233 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक यांत्रिक लीवर आधारित अस्वचालित (यथार्थता वर्ग-III) सहित यांत्रिक अर्धस्त सादृश्य उपदर्शित प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 10 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल 5 ग्रा. है।

और, केन्द्रीय सरकार उक्त अधिनियम की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्माण किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में (सत्यापन मापमान अंतराल एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता रेंज वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(74)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2004

S.O. 1587.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of Model of non-automatic weighing instrument (Mechanical Semi Self analogue Indicating type) of BM-SS series (herein referred to as the model) belonging to medium accuracy class (Accuracy Class-III) and with brand name "BELL", manufactured by M/s Bell Scales Pvt. Ltd. B-190, 5th Main, 2nd stage, Peenya Industrial Estate, Bangalore- 560058 and which is assigned the approval mark IND/09/2003/233 ;



The said model is a mechanical lever based non-automatic weighing instrument (Semi Self analogue Indicating type) of maximum capacity 10kg, minimum capacity 100g and belonging to medium accuracy class (Accuracy Class-III). The value of verification scale interval 'e' is 5g.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said section, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg and with number of verification scale interval(n) in the range of 500 to 10,000 for 'e' value of 1g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which the approval model have been manufactured.

[F. No. WM-21(74)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

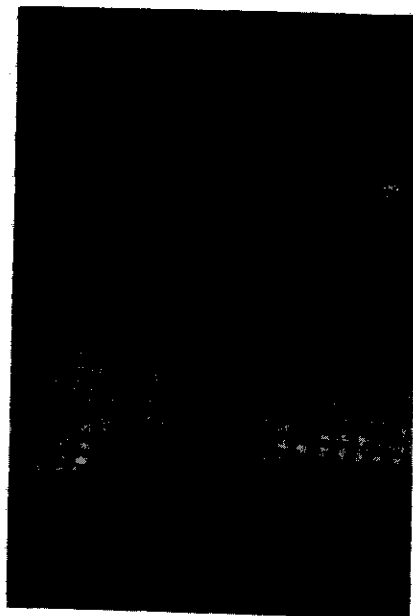
नई दिल्ली, 30 जून, 2004

का. आ. 1588.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बेल स्केल्स प्रा. लि., बी-190, 5 मेन रोड, 2 स्टेज, पीन्या इंडस्ट्रियल इस्टेट, बेंगलोर-560058 द्वारा विनिर्मित माध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "बी एम-पी एफ" शृंखला के अस्वचालित स्टील यार्ड और भारोन्मुख भार सहित तोलन उपकरण (मैकेनिकल प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "बेल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/232 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक मैकेनिकल लीवर आधारित स्टील यार्ड और भारोन्मुख भार अस्वचालित सहित मैकेनिकल प्लेटफार्म प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 300 कि. ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल 100 ग्रा. है।

(आकृति)



और, केन्द्रीय सरकार उक्त अधिनियम की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में (सत्यापन मापमान अंतराल एन) सहित 50 कि. ग्रा. और 1000 कि. ग्रा. तक की अधिकतम क्षमता रेंज वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(74)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

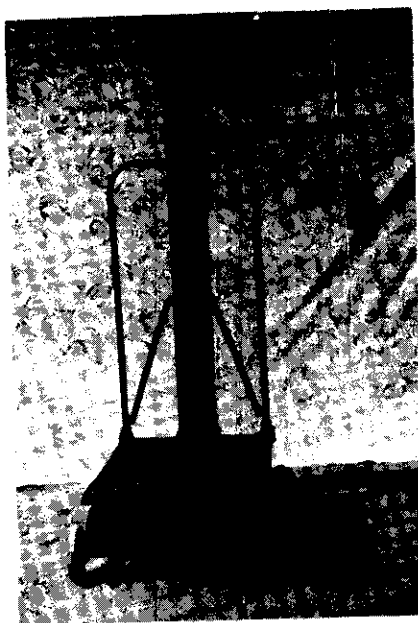
New Delhi, the 30th June, 2004

S.O. 1588.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of Model of non-automatic weighing instrument (Mechanical Platform type) with steel yard and pro-weight (herein referred to as the Model) belonging to medium accuracy class (Accuracy class-III) of BM-PF series and with brand name "BELL", Manufactured by M/s Bell Scales Pvt. Ltd. B-190, 5th Main, 2nd stage, Peenya Industrial Estate, Bangalore- 560058 and which is assigned the approval mark IND/09/2003/232 ;

The said model is a mechanical lever based non-automatic weighing instrument (Mechanical Platform type) with steel yard and pro-weight maximum capacity 300kg, minimum capacity 2kg and belonging to medium accuracy class (Accuracy Class-III). The value of verification scale interval 'e' is 100g.

(Figure)



Further, in exercise of the powers conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and upto 1000kg and with number of verification scale interval(n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which the approval model have been manufactured.

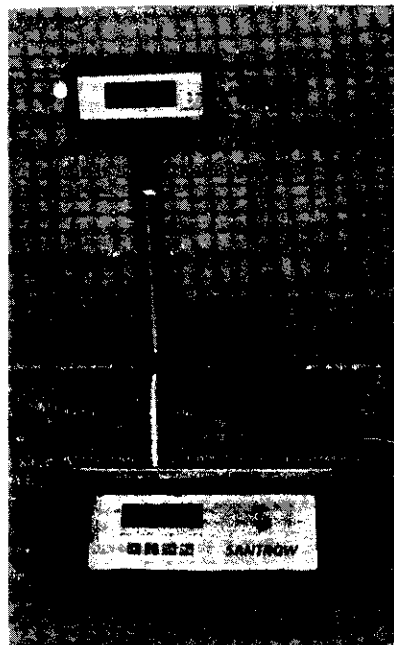
[F. No. WM-21(74)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2004

का.आ. 1589.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट तथा माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सैनट्रो वेइंग स्केल, ए/64, रंगवाधूत सोसायटी, पर्वत पटीय, सूरत गुजरात द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "एस डब्ल्यू एस टी" शृंखला के अस्वचालित अंकक सूचन सहित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "सैनट्रो" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/700 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित (टेबलटाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।

स्टाम्पिंग प्लेट मुद्रांकित करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन खोले जाने से रोकने के लिए भी सीलबन्द की जा सकती है।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता रेंज वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

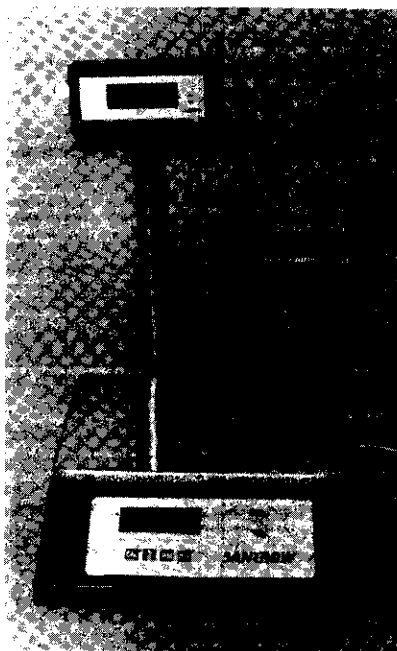
[फा. सं. डब्ल्यू एम-21(178)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2004

S.O. 1589.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic (Platform type) weighing instrument with digital indication of "SWSP" series of medium accuracy (accuracy class-III) and with brand name "SANTROW" (herein referred to as the said model), manufactured by M/s Santro Weighing Scale, A/64, Ranagavdhoot Society, Parvat Patia, Surat, Gujarat and which is assigned the approval mark IND/09/2003/700 ;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 300kg and minimum capacity 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section, 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 1000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approval model have been manufactured.

[F. No. WM-21(178)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2004

का. आ. 1590.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सैनट्रो वेइंग स्केल, ए/64, रंगवाधूत सोसायटी, पर्वत पट्टी, सूरत गुजरात द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "एस डब्ल्यू एस पी" शृंखला के अस्वचालित अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "सैनट्रो" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/701 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 300 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यपान मापमान अंतराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।

स्टाम्पिंग प्लेट मुद्रांकित करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन खोले जाने से रोकने के लिए भी सीलबन्द की जा सकती है।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 1,000 कि.ग्रा. तक की अधिकतम क्षमता रेंज वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

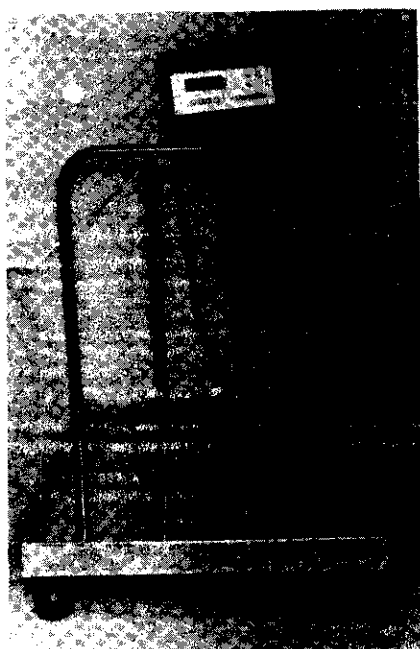
[फा. सं. डब्ल्यू एम-21(178)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2004

S.O. 1590.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic (Table top type) weighing instrument with digital indication of "SWSP" series of high accuracy (Accuracy class-II) and with brand name "SANTROW" (herein referred to as the said model), manufactured by M/s. Santro Weighing Scale, A/64, Ranagavdhoot Society, Parvat Patia, Surat, Gujarat and which is assigned the approval mark IND/09/2003/700 ;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100 g. The verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section, 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg and verification scale interval (n) in the range of 100 to 50,000 with for 'e' value of 100mg or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

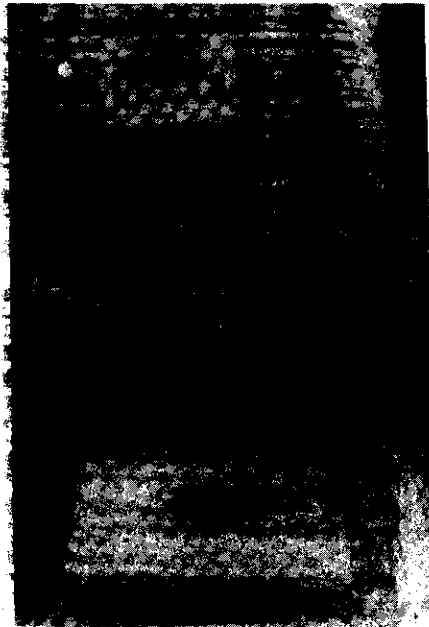
[F. No. WM-21(178)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology.

ई दिल्ली, 30 जून, 2004

क्र. अ. 1591.—केन्द्रीय सरकार का, विनिर्मित विनिर्माता द्वारा उसे अस्तुति रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई अस्तुति देखें) काट और माप मापक अधिनियम, 1976 (1976 का 60) तथा काट और माप मापक (मॉडलों का अनुमोदन) नियम, 1987 के उपबन्धों के अन्तर्गत है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स भाग्योदय स्केल स्पेयरिंग वर्क्स और बोहन्दास सोड, रीगल सिनेमा के निकट, अहमदाबाद-383001 गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "बी टी डी-9" ब्रुंखला के अस्थायित्व अंकक शून्य सहित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "क्यूबोडम" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/592 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का सोड सेल आधारित अस्थायित्व तोलन उपकरण (टेबल टाप प्रकार का) है। इसकी अधिकतम क्षमता 20 कि.ग्रा. और न्यूनतम क्षमता 40 ग्रा. है। सत्यपान मापमान अन्तराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सीलबन्द किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी ब्रुंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. का उससे अधिक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

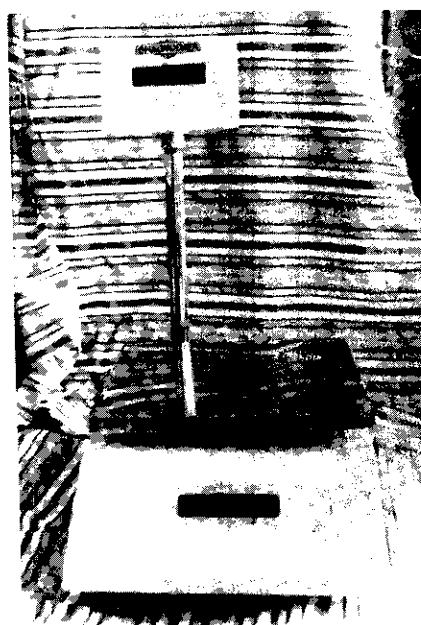
[फा. सं. डब्ल्यू एम-21(351)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2004

S.O. 1591.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Table top type) with digital indication of "BTT-9" series of medium accuracy (Accuracy Class-III) and with brand name "BHAGYODAYA" (herein referred to as the said Model), manufactured by M/s Bhagyodaya Scale Repairing Works, Pirmohamadshah Road, Near Regal Cinema, Ahmedabad-380 001, Gujarat and which is assigned the approval mark IND/09/2003/592;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 20kg and minimum capacity of 40g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section, 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

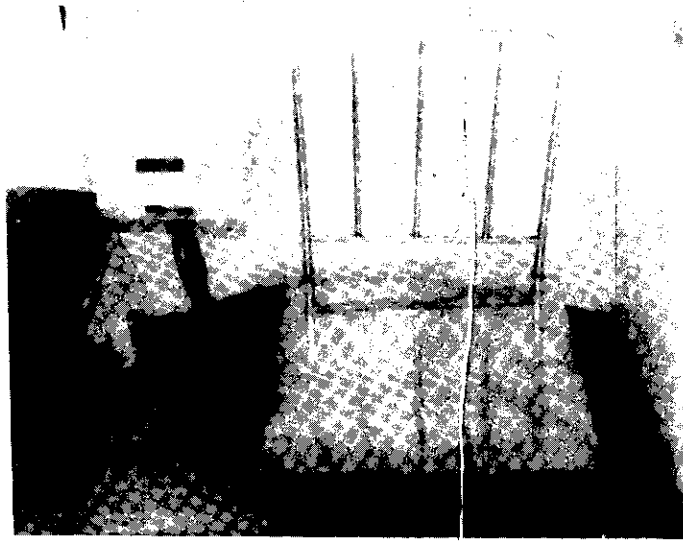
[F. No. WM-21(351)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology.

नई दिल्ली, 30 जून, 2004

का. आ. 1592.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स भाग्योदय स्केल रिपेयरिंग वर्क्स पीरमोहम्मदशाह रोड, रीगल सिनेमा के निकट, अहमदाबाद-383001 गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "बी टी पी-8" श्रृंखला के अस्वचालित अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "भाग्योदय" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/593 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार का) है। इसकी अधिकतम क्षमता 5 कि.ग्रा. और न्यूनतम क्षमता 1 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सीलबन्द किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 50 कि.ग्रा. से अधिक और 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

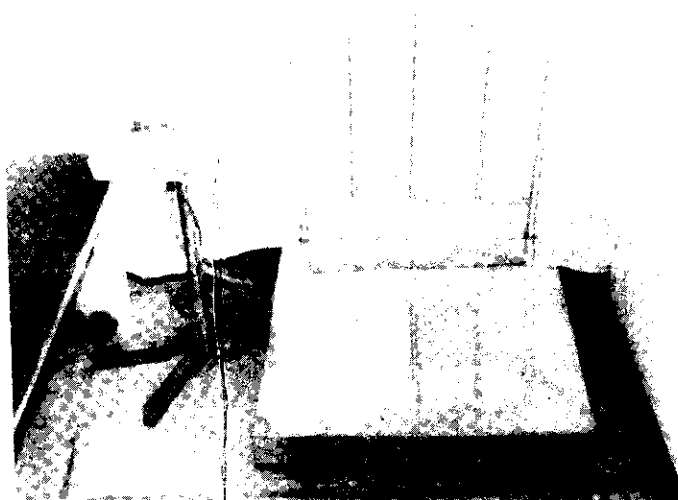
[फा. सं. डब्ल्यू एम-21(351)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2004

S.O. 1592.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Platform type) with digital indication of "BTP-8" series of medium accuracy (Accuracy Class-III) and with brand name "BHAGYODAYA" (herein referred to as the said Model), manufactured by M/s Bhagyodaya Scale Repairing Works, Pirmohamadshah Road, Near Regal Cinema, Ahmedabad-383 001, Gujarat and which is assigned the approval mark IND/09/2003/593;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500kg. and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. and up to 1000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

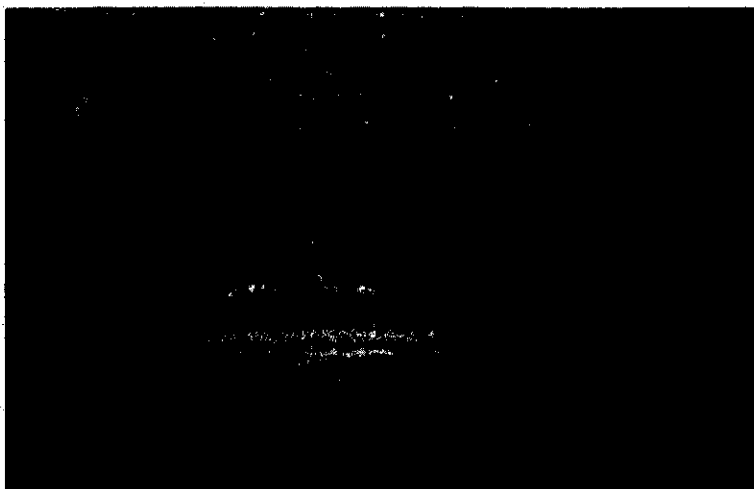
[F. No. WM-21(351)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 जुलाई, 2004

का. आ. 1593.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सिओक स्केल इन्डस्ट्रीज, 34, श्रीनाथ दासर सोसायटी, अर्चना स्कूल के सामने, सीता नगर के सामने, पंगम, सूरत (गुजरात) द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "एस ई टी" शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "सिओक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई. एन. डी/09/2003/567 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विद्युत गैज लोड सेल आधारित प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 10 कि.ग्रा. और न्यूनतम क्षमता 20 ग्रा. है। सत्यापन मापमान अंतराल 1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।

स्टाम्पिंग प्लेट का मुद्रांकित करने के अतिरिक्त, मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जायेगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापन (एन) अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^6 , 2×10^6 या 5×10^6 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

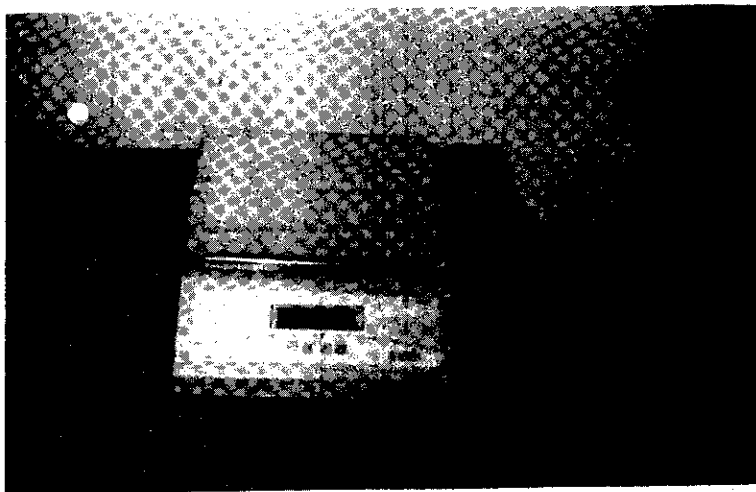
[फ़. सं. डब्ल्यू. एम-21(181)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st July, 2004

S.O. 1593.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model non-automatic weighing instrument (Table top type) with digital indication of "SET" series of medium accuracy (Accuracy class-III) and with brand name "SEOK" (herein referred to as the said model), manufactured by M/s Seok Scale Industries, 34, Shreenath Dawar Society, Opp. Archana School, Opp. Sitanagar, Pungam, Surat (Gujarat) and which is assigned the approval mark IND/09/2003/567 ;



The said model (see the said figure given below) is a strain gauge load cell based type weighing instrument with a maximum capacity of 10kg. and minimum capacity of 20g. The verification scale interval (e) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The instrument operates on 230V, 50Hz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section, 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the approved model has been manufactured.

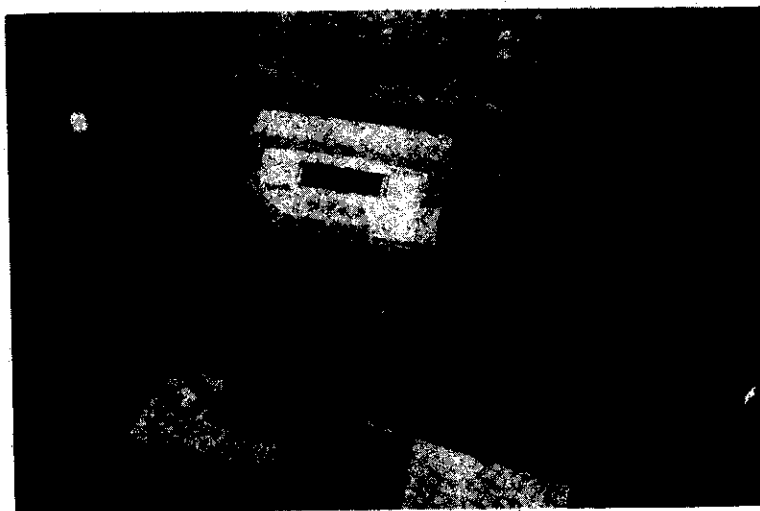
[F. No. WM-21(181)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 जुलाई, 2004

का. आ. 1594.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सिओक स्केल इन्डस्ट्रीज, 34, श्रीनाथ दावर सोसायटी, अर्चना स्कूल के सामने, सीता नगर के सामने, पंगम, सुरत (गुजरात) द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "एस ई पी" श्रृंखला के अस्वचालित अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "सिओक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/568 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज लोड सेल आधारित प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 300 कि.ग्रा. और न्यूनतम क्षमता 1 कि. ग्रा. है। सत्यापन मापमान अंतराल 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।

स्टॉम्पिंग प्लेट का मुद्रांकन करने के अतिरिक्त, मशीन को कपटपूर्ण व्यवहार के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, से विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान (एन) अंतराल सहित 50 कि. ग्रा. और 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^6 , 2×10^6 या 5×10^6 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

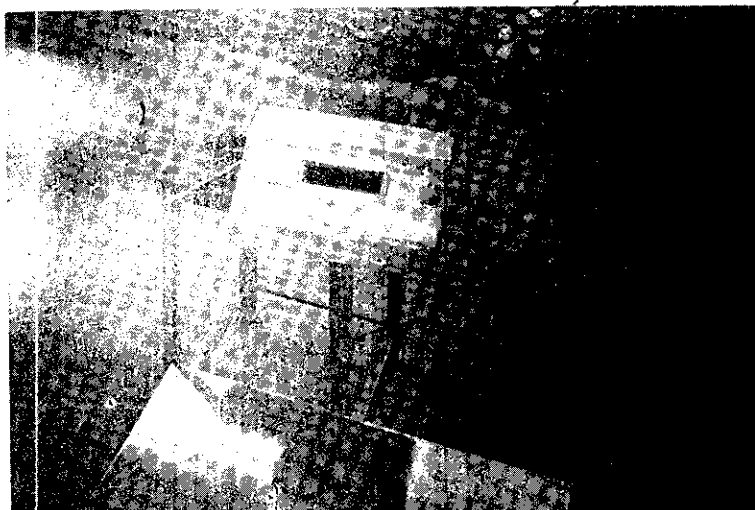
[फा. सं. डब्ल्यू एम-21(181)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st July, 2004

S.O. 1594.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) with digital indication of “SEP” series of medium accuracy (accuracy class-III) and with brand name “SEOK” (herein referred to as the said model), manufactured by M/s. Seok Scale Industries, 34, Shreenath Dawar Society, Opp. Archana School, Opp. Sitanagar, Pungam, Surat (Gujarat) and which is assigned the approval mark IND/09/2003/568 ;



The said model (see the said figure given below) is a strain gauge load cell based type weighing instrument with a maximum capacity of 300kg and minimum capacity 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The instrument operates on 230 V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 1000kg with number of verification scale interval (n) in the range of 500 to 10,000 for ‘e’ value of 5g or more and with ‘e’ value 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approval model have been manufactured.

[F. No. WM-21(181)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

भारतीय मानक ब्यूरो

नई दिल्ली, 30 जून, 2004

का.आ. 1595.— भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्र. सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा मा संख्या	भाग अनु.	वर्ष
(1)	(2)	(3)	(4)	(5)	(6)		
1.	6383476	2003-03-26	मैसर्स स्नेप नेचुरल एंड एलिजिनेट प्रॉडक्ट्स लि., प्लॉट नं. 1 सिपकोट इंडस्ट्रियल कॉम्पलेक्स, रानीपेट, बेल्लूर जिला	जल सह कार्य यौगिक	02645		75
2.	6383577	2003-03-19	मैसर्स हाजी टिम्बर कॉम्पलेक्स थुम्बे भांटवल, कर्नाटक	सामान्य प्रयोजन हेतु प्लाईवुड	00303		89
3.	6383678	2003-03-24	मैसर्स ईसन रेरोली लि., नं. 17/3 अराकेरे बन्नरगाथा रोड, बंगलौर	ए.सी. स्थैतिक वाट घंटामीटर वर्ग 1 और गर्व 2 - विशिष्ट	13779		99
4.	6383779	2003-04-01	मैसर्स श्री हिमालया एक्वा प्रॉडक्ट्स 2/906 थिरुविन नगर चिन्नाकोविलम्बक्कम चेन्नई	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543		98
5.	6383880	2003-04-01	मैसर्स वईगई एक्वा सिस्टम 6-1-2, कमबम रोड 1 (सम्मुख सरवेश कॉटन मिल्स लि.) वीरापंडि पोस्ट थेनी	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543		98
6.	6383981	2003-04-01	मैसर्स माइलोन इंडस्ट्रीज 28/1 न्यू नथम रोड मरानी विलाकू चेट्टीकुलम गाँव ओमचिकुलम मदुरै	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543		98
7.	63834074	2003-04-01	मैसर्स चैन्नई एक्वा प्लाट नं. XII राजीव गार्डन थोराईपक्कम चेन्नई	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543		98
8.	6384175	2003-03-27	मैसर्स फोटोन एनर्जी सिस्टम्स लि., प्लॉट नं. 46 एनरिच इंड. एस्टेट, बोलारम (बी) जिन्नारम मंडल (एम) मेडक जिला	सौर सपाट पट्टिका संग्राहक भाग 1 अपेक्षाएँ (पहला पुनरीक्षण)	12933	01	— 92
9.	6384276	2003-04-27	मैसर्स लागुना ड्रिक्स एण्ड पैकेज्ड ड्रिंकिंग वाटर 9-4-135/डी/15 वाली कॉलोनी समीप प्रो एग्रो सीडस टॉलीचोकी हैदराबाद	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543		98
10.	6384377	2003-04-03	मैसर्स इमेज एक्वा फार्मस नामचिवायापुरम थुडुकाडू पोस्ट थिरवल्लूर	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543		98

(1)	(2)	(3)	(4)	(5)	(6)
11.	6384478	2003-03-11	मैसर्स प्रतीभा गोल्ड एण्ड सिलवर पैलेस शॉप नं. 73 और 74 स्वर्णलोक कॉम्प्लेक्स राजागोपालाचारी स्ट्रीट, गोवेरनोरपेट विजयवाडा	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन - विशिष्ट (तीसरा पुनरीक्षण)	01417 99
12.	6384579	2003-04-07	मैसर्स वरूण एक्वा प्रॉडक्ट्स नं. 2 थुल्कानाथाम्मन कोईल गली एस एस महल पल्लिकरनई, चेन्नई	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543 98
13.	6384680	2003-03-28	मैसर्स मकर इलैक्ट्रॉनिक्स प्रा. लि., नं. 7 बी 4था क्रॉस इलैक्ट्रॉनिक्स सिटी, होसूरी रोड, बंगलौर	परस्कन्दी सामग्री से बने तीन-पिन प्लग	06538 71
14.	6384781	2003-04-07	मैसर्स योगा एक्वा मिनरल्स 19ए राजाजी सलई 4थी गली, पुकराज नगर, माधवराम चेन्नई	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543 98
15.	6384882	2003-03-26	मैसर्स आरिया प्लास्टिक्स प्लॉट नं. जे-1 नॉर्दर्न पार्ट सिपकोट इंडस्ट्रियल एस्टेट, एन.एच. 47 मेन रोड, पेरुन्दुरई	बोर नलकूपों के लिए अन्त्यकृत पीवीसी जाली और आवरण पाइप	12818 92
16.	6384983	2003-03-24	मैसर्स शिव साई पुलवाराईजर्स रेडलाकुंता गाँव, कोडाड मंडल नलगौंडा जिला	43 ग्रेड साधारण पोर्टलैंड सीमेंट	08112 89
17.	6385076	2003-03-28	मैसर्स श्री प्रिया इंडस्ट्रीज सर्वे नं. 232 रेडलाकुंता गाँव कोडाड मंडल, नलगौंडा जिला (आंध्र प्रदेश)	43 ग्रेड साधारण पोर्टलैंड सीमेंट	08112 89
18.	6385177	2003-04-25	मैसर्स प्रियाराज इलैक्ट्रॉनिक्स लि., 18/1/19 डोडानेकुंडी इंड. एरिया, महादेवपुरा पोस्ट, बंगलौर	ए.सी. स्थैतिक वाट घंटामीटर वर्ग 1 और वर्ग 2 - विशिष्ट	13779 99
19.	6385278	2003-04-10	मैसर्स ताहेर अली इंडस्ट्रीज एंड प्रॉजेक्ट (प्रा.) लि., थन्जावूर-पुडुकोटई रोड, पुनारकुलम गंदर्वाकोट्टई (टी के) पुडुकोट्टई जिला	पूर्व प्रबलित कंक्रीट पाइप (फिटिंग सहित)	00784 2001
20.	6385379	2003-04-03	मैसर्स टुडे एक्वा सिस्टम्स 3/126 ए सिथेरी सेरांकुलम पोस्ट मन्नारगुडि	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543 98
21.	6385480	2003-04-01	मैसर्स उमा बेवरेजिज प्लॉट नं. 8, गंगा एनक्लेव पेट बशीरबाद एन.एच. 7, मेडचल रोड, रंगारेड्डी जिला	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543 98

(1)	(2)	(3)	(4)	(5)	(6)
22.	6385581	2003-04-01	मैसर्स बी.एस.पी. ऑयल मिल 12, बाजानई कोइल स्ट्रीट, हस्तानापुरम, चेन्नई	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543 98
23.	6385682	2003-04-01	मैसर्स निर्मल एक्वा 119, कन्दूर गाँव श्रीपेरुम्बदूर तालुक कांचीपुरम जिला	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543 98
24.	6385783	2003-04-08	मैसर्स अलुक्का गोल्ड पैलेस केएमएच कॉम्प्लैक्स त्रिस्सूर रोड, इडाप्पल मालापुरम जिला	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन-विशिष्ट	01417 99
25.	6385884	2003-04-09	मैसर्स ओ.एस. बेरेजिज एच. नं. 4-98/54/2 और 3 मालापुर मेन रोड, हैदराबाद	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543 98
26.	6385985	2003-04-10	मैसर्स श्री शार्प इंटरप्राइसेज 5-ए, विनायगर कोइल स्ट्रीट, शक्ति नगर उम्पलिपलायम पी.ओ. कायेम्बतूर	साफ ठंडे पानी के लिए पम्प- पुनर्योजी	08472 98
27.	6386078	2003-04-10	मैसर्स मार्क प्रा. प्रॉडक्ट्स 9/672 पेरनियाड पंचायत चिदुमल ब्लॉक चन्दनथोप कोल्लम	पेयजल आपूर्ति हेतु गैर प्लास्टि- कृत पीवीसी पाइप	04985 2000
28.	6386179	2003-04-10	मैसर्स कोवई वॉटर्स एंड कं., 109 गाँधी नगर तिरुपुर रोड काँग्याम ईरोड	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543 98
29.	6386280	2003-04-08	मैसर्स मीजान ज्वेलर्स (प्रा.) लि., 5/3410 एच 2ए गेल्लेरिया ट्रेड सेन्टर माचूर रोड, कालीकट	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन - विशिष्ट	01417 99
30.	6386381	2003-04-04	मैसर्स एस.एस. फाउण्टी 48, नवा इंडिया रोड, के.आर. पुरम, कोयम्बतूर	खुले कुएं के लिए निमज्ज्य पम्पसेट	14220 94
31.	6386482	2003-04-21	मैसर्स कोया सेलवम 2/260 बागवथार कॉलोनी अलंगुडि पुडुकोटई जिला	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543 98
32.	6386583	2003-04-21	मैसर्स श्री भारतई निरल वाटर एस. ने. 840 सेलम्बु रोड ई. पुडुकोटई एंडापुल्ली पंचायत पेरियाकुलम तालुक थेनी जिला	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543 98
33.	6386684	2003-04-01	मैसर्स चान्दना ब्रदर्स ज्वेलर्स प्रा. लि. 16-11-739/1 दिलसुख नगर हैदराबाद	स्वर्ण एवं स्वर्ण मिश्रधातुएं आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन - विशिष्ट	01417 99
34.	6386785	2003-04-21	मैसर्स श्री वाली विलास एमवी पावडई चेट्टियार संस 43-44 लॉरेस रोड कुडालौर	स्वर्ण एवं स्वर्ण मिश्रधातुएं आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन - विशिष्ट	01417 99
35.	6386886	2003-04-10	मैसर्स जोसको फेशन ज्वेलर्स कालारिक्कल बाजार कोट्टायाम	स्वर्ण एवं स्वर्ण मिश्रधातुएं आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन - विशिष्ट	01417 99

(1)	(2)	(3)	(4)	(5)	(6)
36.	6386987	2003-04-08	मैसर्स तोताराम पापालाल एंड संस 4-1-966 आबिद रोड, हैदराबाद	स्वर्ण एवं स्वर्ण मिश्रधातुएं आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन - विशिष्ट	01417 99
37.	6387080	2003-04-24	मैसर्स आदित्या पैकेज्ड ड्रिंकिंग वाटर प्लॉट नं. 137 कुरिजी नगर पोयकइकारईपट्टु मदुरई	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543 98
38.	6387181	2003-04-24	मैसर्स शक्ति मिनरल वॉटर प्राइवेट लिमिटेड, 7वां जगन्नाथापुरम गाँव अलिजीवक्कम पोस्ट पोन्नेरी तालुक, चेन्नई	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543 98
39.	6387282	2003-04-24	मैसर्स परफेक्ट सोलर (बंगलौर) प्रा. लि., नं. 16 बायरावेश्वरा इंड. स्टेट, आद्राहल्लीमेन रोड पीनया 2री स्टेज, बंगलौर	सौर स्पॉट पट्टिका संग्राहक भाग 1 अपेक्षाएं	12933 01 92
40.	6387383	2003-04-24	मैसर्स स्वाति पीवीसी प्रॉडक्ट्स (प्रा.) लि., सर्वे नं. 62/1 और 2 पेल्लूर गाँव समीप साउथ बाईपास रोड (जे एन) ओंगोले	पेय जल आपूर्ति हेतु गैर प्लास्टिक पीवीसी पाइप	04985 2000
41.	6387481	2003-04-24	मैसर्स हवा वाल्वस (इंडिया) प्रा.लि., सी-255 एमटी सागर इंड. स्टेट गोकुल रोड, हुबली	जल कल प्रयोजन के लिए स्लूस वाल्व (50 से 1200 मिमी साइज)	14846 2000
42.	6387484	2003-04-04	मैसर्स तौहिद इंटरप्राइसेज 3-1-34 बहादुरगुडा सरोरनगर आर.आर. जिला	सामान्य प्रयोजन हेतु प्लाईवुड	00303 89
43.	6387686	2003-04-21	मैसर्स तौहिद इंटरप्राइसेज 3-1-34 बहादुरगुडा सरोरनगर आर.आर. जिला	समुद्री उपयोग हेतु प्लाईवुड	00710 76
44.	6387787	2003-04-10	मैसर्स ज्योति ब्रास मेटल वर्क्स 6/128 इंजीनियरिंग कॉलेज रोड अनन्तापुर	अलौह धातु के ढक्कनदार कब्जे	00205 92
45.	6387888	2003-04-16	मैसर्स कूर्ग कॉफी सप्लाय 17/6/108 प्रथम मेन रोड कार्थिगुपे बीएसके III स्टेज, बंगलौर	भुना हुआ काफी कासनी चूर्ण	03802 92
46.	6387989	2003-04-22	मैसर्स सन्तहोम लैटेक्स इंटरप्राइसेज डी.न. 4-61 ए शेर्लाकोडे बेथानी एस्टेट, मूकम्माला पी.ओ. कलकुलेम टी.के., कन्याकुमारी जिला	अमोनिया परिरक्षित प्राकृतिक रबड का सांद्र लैटेक्स	05430 81
47.	6388082	2003-04-25	मैसर्स रिफॉर्म एक्वा सिस्टम्स प्राइवेट लिमिटेड सी-247 वेंगम्बक्कम मेन रोड एवं गाँव चेन्नई	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543 98

(1)	(2)	(3)	(4)	(5)	(6)
48.	6388183	2003-04-21	मैसर्स सुरज ज्वेलर्स डी. नं. 38/39 फर्स्ट फ्लोर बिग शॉप बिल्डिंग्स कर्मिश्यल रोड उथागमनदालेम	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन-विशिष्टि	01417 99
49.	6388284	2003-04-09	मैसर्स महाराजिका गोल्ड सुपर मार्केट (प्रा) लि., V/507 15-19 केपीएम आर्केड पेरिन्थालामन्ना मालापुरम जिला	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन - विशिष्टि	01417 99
50.	6388385	2003-04-21	मैसर्स प्रेस्टीज बोर्ड प्रा.लि., बी.पी.आई. 187 सी मिल रोड, बलियापट्टम कन्नूर	लकड़ी से सपाट दरवाजों के शटर (ठोस कोर प्रकार) भाग 1 प्लाईवुड सतहयुक्त पल्ले	02202 01 99
51.	6388486	2003-04-23	मैसर्स केरा बोर्डस एण्ड डोर्स ए.पी. IV 490 बी पोर्ट रोड, अझिकोडे पी.ओ. कन्नूर	लकड़ी से सपाट दरवाजों के शटर (ठोस कोर प्रकार) भाग 1 प्लाईवुड सतहयुक्त पल्ले	02202 01 99
52.	6388587	2003-04-19	मैसर्स रोहिणी पैक्स 202/9 फेस 2 आईडीए, चेल्पापल्ली हैदराबाद	विस्फोटको के पैकेजों हेतु सामान्य अपेक्षाएं भाग-1 व्यापारिक उच्च विस्फोटक	10212 01 86
53.	6388688	2003-04-21	मैसर्स नन्दी ज्वेलर्स शॉप नं. 9 एच.एम.टी. नगर, साई दुर्गा कॉम्पलेक्स नचारम, हैदराबाद	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन - विशिष्टि	01417 99
54.	6388789	2003-04-24	मैसर्स टूवेल पाइप इंडस्ट्रीज सर्वे नं. 61 नारकुरु रोड, अलीपुरमगाँव नल्लौर जिला	पेय जल आपूर्ति हेतु गैर प्लास्टिकृत पीवी सी पाइप	04985 2000
55.	6388890	2003-04-22	मैसर्स राजवैभव इंटरप्राइसेज प्रा.लि., नं. 18 केआईएडीबी इंड. एरिया चिनमणि रोड होसकोट बंगलौर	पूर्व ढलित कंकरीट मेन होल के ढक्कन और फ्रेम	12592 91
56.	6388991	2003-04-21	मैसर्स एलजी इक्यूपमेंट्स लिमिटेड एस-2/ए प्राइवेट इंडस्ट्रियल एरिया, कुरिचि कोम्बतूर	सामान्य प्रयोजनों (20 किलोवाट तक) के लिए एक समान गति वाले संपीडन प्रणवलि (डीजल) इंजनों हेतु कार्यकारिता संबंधित अपेक्षाएं	1001 81
57.	6389084	2003-04-24	मैसर्स श्री बालाजी वॉटर अट्टमपक्कम गाँव न्यू स्कूल स्ट्रीट गुम्मीडिपोंडि, थिरुवल्लूर	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्टि	14543 98
58.	6389185	2003-04-21	मैसर्स सिम्हाडी स्टील्स (प्रा) लि. प्लॉट नं. 1 आईडीए, इदुलापाका बोमंगी लेमार्थी (पोस्ट) पराड (मंडल) विशाखापटनम	कंक्रीट प्रबलन के लिए उच्च सामर्थ्य विन्धापित इस्पात के सरिए और तार	01786 85

[सं. सी एम डी-4/13:11]

एस. के. चौधरी, उप महानिदेशक (मुहर)

BUREAU OF INDIAN STANDARDS

New Delhi, the 30th June, 2004.

S.O.1595.—In pursuance of sub-regulation (5) of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :

SCHEDULE

Sl. No.	Licence No.	Operative Date (Year/ Month)	Name & Address of the Party	Title of the Standard	IS No.	Part Sec.	Year
1	2	3	4	5	6	7	8
1.	6383476	2003-03-76	M/s. Snap Natural & Aliginate Products Ltd. Plot No. 1 Sipcot Industrial Complex Ranipet Vellore District.	Integral Cement waterproofing compounds.	02645		75
2.	6383577	2003-03-19	M/s. Hajee Timber Complex Thumbay Bhandwal, Karnataka.	Plywood for general purposes.	00303		89
3.	6383678	2003-03-24	M/s. Easun Reyrolle Ltd. No. 17/3 Arakere Banneragatta Road, Bangalore.	AC Static wathour meters, Class 1 and 2.	13779		99
4.	6383779	2003-04-01	M/s. Sri Himalaya Aqua Products 2/906, Thiruvinnagar Chinna Kovilambakkam Chennai	Packaged drinking water (other than packaged natural mineral)	14543		98
5.	6383880	2003-04-01	M/s. Vaigai Aqua System 6-1-2, Cumbum Road (Opp. Sarvesh Cotton Mills Ltd.) Veerapandi Post, Theni.	Packaged drinking water (other than packaged natural mineral).	14543		98
6.	6383981	2003-04-01	M/s. Maylon Industries, 28/1, New Natham Road Marani Vilaku Chettikulam Village Oomachikulam Madurai.	Packaged drinking water (Other than packaged natural mineral).	14543		98
7.	6384074	2003-04-01	M/s. Chennai Aqua, Plot No. XII, Rajiv Garden, Thoraipakkam, Chennai.	Packaged drinking water (other than packaged natural mineral).	14543		98
8.	6384175	2003-03-27	M/s. Photon Energy Systems Ltd. Plot No. 46, Anrich Indl. Estate, Bollaram (V) Jinnaram Mandal (M) Medak District.	Solar Flat plate collector : Part 1 requirements.	12933	01	92
9.	6384276	2003-03-27	M/s. Laguna Drinks and Packaged Drinking Water, 9-4-135/D/15, Vali Colony near Pro-agro Seeds Towli Chowki, Hyderabad.	Packaged drinking water (other than packaged natural mineral).	14543		98
10.	6384377	2003-04-03	M/s. Image Aqua Farms, Namachivayapuram Thudukadu, Post, Thirvallur District.	Packaged drinking water (Other than packaged natural mineral).	14543		98

1	2	3	4	5	6	7	8
11.	6384478	2003-03-11	M/s. Pratibha Gold & Silver Palace, Shop No. 73 & 74, Swarnalok Complex, Rajagopalachari Street, Governorpet Vijayawada.	Gold and gold alloys, jewellery/artefacts—Fineness and marking—Specification.	01417		99
12.	6384579	2003-04-07	M/s. Varun Aqua Products, No. 2 Thulkkannathamman Koil Street, S.S. Mahal, Pallikaranai, Chennai.	Packaged drinking water (other than packaged natural mineral).	14543		98
13.	6384680	2003-03-28	M/s. Makar Electronics P. Ltd. No. 7, 'B' 4th Cross Electronics City, Hosur Road, Bangalore.	Three-pin plugs made of resilient material.	06538		71
14.	6384781	2003-04-07	M/s. Yoga Aqua Minerals, 19A, Rajaji Salai, 4th Street, Pukraj Nagar, Madhavaram, Chennai.	Packaged drinking water (other than packaged natural mineral).	14543		98
15.	6384882	2003-03-26	M/s. Ariya Plastics, Plot No. J-1, Northern Part Sipcot Industrial Estate, N.H. 47 Main Road, Perundurai.	Unplasticized PVC screen and casing pipes for bore/tube-well.	12818		92
16.	6384983	2003-03-24	M/s. Siva Sai Pulverisers Redlakunta Village Kodad Mandal, Nalgonda District.	43 grade ordinary Portland cement.	08112		89
17.	6385076	2003-03-28	M/s. Sri Priya Industries, Survey No. 232 Redlakunta Village Kodad Mandal, Nalgonda District, Andhra Pradesh.	43 grade ordinary Portland cement.	08112		89
18.	6385177	2003-03-25	M/s. Priyaraj Electronics Ltd., 18/1/19 Dodanekundi Indl. Area Mahadevpura Post, Bangalore.	AC Static watthour meters, Class 1 and 2.	13779		99
19.	6385278	2003-04-10	M/s. Taher Ali Industries & Project (P) Ltd., Thanjavur-Pudukkottai Road, Punarkulam Gandarvakottai (TK), Pudukkottai District.	Prestressed concrete pipes (including fittings)	00784		2001
20.	6385379	2003-04-03	M/s. Today Aqua Systems, 3/126 A Sitheri Serankulam, Post Mannargudi.	Packaged drinking water (other than packaged natural mineral).	14543		98
21.	6385480	2003-04-01	M/s. Uma Beverages, Plot No. 8, Ganga Enclave Pet, Basheerabad NH-7, Medchal Road, Rangareddy Dist.	Packaged drinking water (other than packaged natural mineral).	14543		98
22.	6385581	2003-04-10	M/s. V.S.P. Oil Mill, 12, Bajanai Koil Street, Hasthinapuram, Chennai.	Packaged drinking water (other than packaged natural mineral).	14543		98
23.	6385682	2003-04-10	M/s. Nirmal Aqua, 119, Kandur Village, Sriperumbudur Taluk, Kancheepuram Dist.	Packaged drinking water (other than packaged natural mineral).	14543		98

1	2	3	4	5	6	7	8
24.	6385783	2003-04-08	M/s. Alukka Gold Palace KMH Complex Thrissur Road, Edappal, Mallapuram Distt.	Gold and gold alloys, jewellery/artefacts Fineness and marking Specification	01417		99
25.	6385884	2003-04-09	M/s. O.S. Beverages, H. No. 4-98/54/2 & 3, Mallapur, Main Road, Hyderabad.	Packaged drinking water (other than packaged natural mineral).	14543		98
26.	6385985	2003-04-10	M/s. Shree Sharp Enterprises, 5-A, Vinayagar Koil Street, Sakthinagar Upplipalayam, P.O. Coimbatore.	Pumps regenerative for clear, cold water.	08472		98
27.	6386078	2003-04-10	M/s. Mark Pvt. Products, IX/672 Perniad Panchayath Chittumal Block, Chandanathope, Kollam.	Unplasticised PVC pipes for potable water supplies.	04985		2000
28.	6386179	2003-04-10	M/s. Kovai Waters & Co., 109, Gandhi Nagar Thirupur Road, Kangayam, Erode	Packaged drinking water (other than packaged natural mineral).	14543		98
29.	6386280	2003-04-08	M/s. Meezan Jewellers (P) Ltd., 5/3410, H2A, Gallieria Trade Centre Mavoor Road, Calicut.	Gold and gold alloys, jewellery/artefacts—Fineness and marking—Specification.	01417		99
30.	6386381	2003-04-04	M/s. S.S. Foundry, 48, Nava India Road, K.R. Puram, Coimbatore.	Openwell submersible pump- sets	14220		94
31.	6386482	2003-04-21	M/s. Koya Selvam, 2/260, Bagawathar Colony, Alangudy Pudukkottai District.	Packaged drinking water (other than packaged natural mineral).	14543		98
32.	6386583	2003-04-21	M/s. Sri Bharahtei Mineral Water, S. No. 840, Selambu Road, E. Pudukottai Endapully Panchayat Periyakulam Taluk, Theni Dt.	Packaged drinking water (other than packaged natural mineral).	14543		98
33.	6386684	2003-04-01	M/s. Chandana Brothers Jewellers Pvt. Ltd., 16-11-739/1, Dilsukhnagar, Hyderabad.	Gold and gold alloys, jewellery/artefacts—Fineness and marking—Specification	01417		99
34.	6386785	2003-04-21	M/s. Sri Valli Vilas, MV Pavadai Chettiar Sons, 43-44, Lawrence Road, Cuddalore.	Gold and gold alloys, jewellery/artefacts Fineness and marking—Specification.	01417		99
35.	6386886	2003-04-10	M/s. Josco Fashion Jewellers, Kalarickal Bazar, Kottayam.	Gold and gold alloys, jewellery/artefacts—Fineness and marking—Specification.	01417		99
36.	6386987	2003-04-08	M/s. Totaram Papalal & Sons, 4-1-966 Abid Road, Hyderabad.	Gold and gold alloys, jewellery/artefacts—Fineness and marking—Specification.	01417		99

1	2	3	4	5	6	7	8
37.	6387080	2003-04-24	M/s. Aadhitya Packaged Drinking Water, Plot No. 137 Kurinji Nagar, Poykaikaraipattu, Madurai.	Packaged drinking water (other than packaged natural mineral).	14543		98
38.	6387181	2003-04-24	M/s. Sakthi Mineral Water Private Limited, 7th Jagannathapuram Village Alinjivakkam Post, Ponneri Taluk, Chennai.	Packaged drinking water (other than packaged natural mineral).	14543		98
39.	6387282	2003-04-24	M/s. Perfect Solar (Bangalore) Pvt. Ltd., No. 16, Byrawaswara Indl. Estate, Andharhalli Main Road, Peetia 2nd Stage, Bangalore.	Solar flat plate collector : Part I Requirements.	12933	01	92
40.	6387383	2003-04-24	M/s. Swathi PVC Products (P) Ltd., Sy. No. 62/1 & 2 Pellur Village near South bypass Road (Jn.) Ongole.	Unplasticised PVC pipes for potable water supplies.	04985		2000
41.	6387481	2003-04-24	M/s. Hawa Valves (India) Pvt. Ltd., C-255 Mt Sagar Indl. State Gokul Road, Hubli.	Shuice valve for water works purposes (50 to 1200 mm size).	14846		00
42.	6387484	2003-04-04	M/s. Touhid Enterprises, 3-1-34, Bahadurguda Sarromagar, R.R. District.	Plywood for general purposes.	00303		89
43.	6387686	2003-04-21	M/s. Touhid Enterprises, 3-1-34 Bahadurguda Sarromagar, R.R. District.	Marine plywood.	00710		76
44.	6387787	2003-04-10	M/s. Jyoti Brass Metal Works 6/128 Engineering College Road, Anantapur.	Non-ferrous metal butt hinges.	00205		92
45.	6387888	2003-04-16	M/s. Coorg Coffee Supplies, 17/6/108, 1st Main Road, Karthigupee BSK-III stage, Bangalore.	Roasted Coffee-Chicory powder.	03802		92
46.	6387989	2003-04-22	M/s. Santhome Latex Enterprises, D.No.4-61A Sherlacode Bethany Estate Mookampala, P.O. Kalkulam T.K. Kanyakumari Dt.	Ammonia preserved concentrated natural rubber latex.	05430		81
47.	6388082	2003-04-25	M/s. Reform Aqua Systems Private Limited, C-247, Vengambakkam Main Road & Village, Chennai.	Packaged drinking water (other than packaged natural mineral).	14543		98
48.	6388183	2003-04-21	M/s. Suraj Jewellers, D. No. 38/39, 1 Floor Big Shop Buildings Commercial Road, Uthagamandalam.	Gold and gold alloys, jewellery/artefacts—Fineness and marking—Specification.	01417		99

1	2	3	4	5	6	7	8
49.	6388284	2003-04-09	M/s. Maharajika Gold Super Market (Pvt.) Ltd., V/507 15-19, KPM Arcade Perinthalamanna Mallapuram Distt.	Gold and gold alloys, jewellery/artefacts—Fineness and marking—Specification.	01417		99
50.	6388385	2003-04-21	M/s. Prestige Board Pvt. Ltd., B.P.I. 187C, Mill Road, Baliapattam, Kannur.	Wooden flush door shutters (Solid core type) : Part I Plywoodface panels.	02202	01	99
51.	6388486	2003-04-23	M/s. Cera Boards & Doors, A.P. IV, 490 B Port Road, Azhikode P.O. Kannur.	Wooden flush door shutters (Solid core type) : Part I Plywoodface panels.	02202	01	99
52.	6388587	2003-04-10	M/s. Rohini Packs, 202/9, Phase-II, IDA, Cheralpally, Hyderabad.	General requirements for packages of explosives : Part I Commercial High Explosives.	10212	01	86
53.	6388688	2003-04-21	M/s. Nandi Jewellers, Shop No. 9, H.M.T. Nagar, Saj Durga Complex Nacharam, Hyderabad.	Gold and gold alloys, jewellery/artefacts—Fineness and marking—Specification.	01417		99
54.	6388789	2003-04-24	M/s. Turewell Pipe Industries, Survey No. 61 Narkuru Road, Allipuram Village, Nellore District.	Unplasticised PVC pipes for potable water supplies.	04985		2000
55.	6388890	2003-04-22	M/s. Rajavaibhav Enterprises Pvt. Ltd., No. 18, Kiadb Indl. Area, Chinthamani Road, Hoskote, Bangalore.	Precast concrete manhole cover and frame.	12592		91
56.	6388991	2003-04-21	M/s. Elgi Equipments Limited. S-2/A, Private Industrial Area, Kurichi, Coimbatore.	Performance requirements for constant speed compression ignition (diesel) engines for general purposes (up to 20 kW).	10001		81
57.	6389084	2003-04-24	M/s. Sri Balaji Water Athupakkam Village New School Street Gummidipoondi, Thiruvallur.	Packaged drinking water (other than packaged natural mineral).	14543		98
58.	6389185	2003-04-21	M/s. Simhardi Steels (P) Ltd., Plot No. 1 IDA, Edulapaka Bomangi Lemarathi (Post) Parada (Mandal), Visakhapatnam.	High strength deformed steel bars and wires for concrete reinforcement.	01786		85

[No. CMD/13 : 11]

S.K. CHAUDHURI, Dy. Director General (Marks)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 6 जुलाई, 2004

का. आ. 1596.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 465, तारीख 23 फरवरी, 2004 द्वारा राजस्थान राज्य में कोयली - सिद्धपुर - सांगानेर से अजमेर तक इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पेट्रोलियम उत्पाद के परिवहन के लिए पाइपलाइन बिछाई जाने के प्रयोजन के लिए उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट राजस्थान राज्य के अजमेर जिला में तहसील अजमेर की भूमि में उपयोग का अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियाँ साधारण जनता को तारीख 15 मार्च, 2004 को उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के संबंध में सक्षम प्राधिकारी को जनता से कोई आक्षेप प्राप्त नहीं हुआ है ।

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि पाइपलाइन बिछाने के लिए इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है ।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि पाइपलाइन बिछाने के संबंध में उपयोग का अधिकार इस घोषणा के प्रकाशन के तारीख को केन्द्रीय सरकार में निहित होने की बजाए सभी विल्लंगमों से मुक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : अजमेर

जिला : अजमेर

राज्य : राजस्थान

गाँव का नाम	खसरा संख्या	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5
लच्छीपुरा	301	0	00	40
	336	0	35	80
	335	0	00	40
	307	0	04	00
	327	0	05	40
	326	0	00	60
	324	0	01	20
	325	0	07	20
	322	0	00	20
	273	0	06	40
	274	0	02	20
	276	0	04	20
	277	0	03	20
	282	0	01	20
	278	0	01	20
	281	0	04	00
	241	0	03	20
	239	0	00	20
	237	0	02	00
	236	0	05	20
	234	0	01	80
	233	0	03	20
	232	0	03	40
	226	0	07	80
	225	0	07	20
	223	0	01	40
	222	0	10	60
	217	0	02	20
	220	0	08	60
	219/1	0	09	20
	218/1	0	07	80

1	2	3	4	5
हट्टण्डी	1587 मिन	0	20	60
	1586	0	15	80
	1581	0	13	00
	1580	0	07	00
	1579	0	08	40
	1578	0	00	20
	1418	0	00	20

[फा. सं. आर-25011/2/2004-ओ.आर-1]

रेणुका कुमार, अवर सचिव

Ministry of Petroleum and Natural Gas

New Delhi, the 6th July, 2004

S. O. 1596.— Whereas by the notification of the Government of India, in the Ministry of Petroleum and Natural Gas No. S.O. 465, dated 23rd February, 2004 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land in Tehsil : Ajmer, District : Ajmer in Rajasthan State, specified in the schedule appended to that notification, for the purpose of laying Pipeline for the transportation of Petroleum Product from Koyali - Sidhpur - Sanganer to Ajmer in the State of Rajasthan by the Indian Oil Corporation Limited ;

And whereas, copies of the said gazette notification were made available to the general public on dated 15th March, 2004;

And whereas, No objection have been received by the Competent Authority from the public regarding the laying of the pipeline.

And whereas, the Competent Authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas, the Central Government after considering the said report and on being satisfied that said land is required for laying pipeline has decided to acquire the right of user their in.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline.

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipeline shall, instead of vesting in the Central Government, vests from the date of publication of this declaration, in the Indian Oil Corporation Limited, free from all encumbrances.

SCHEDULE**Tehsil : Ajmer****District : Ajmer****State : Rajasthan**

Name of Village	Khasara No.	Area		
		Hectare	Are	Sq.mtr.
1	2	3	4	5
Lacchipura	301	0	00	40
	336	0	35	80
	335	0	00	40
	307	0	04	00
	327	0	05	40
	326	0	00	60
	324	0	01	20
	325	0	07	20
	322	0	00	20
	273	0	06	40
	274	0	02	20
	276	0	04	20
	277	0	03	20
	282	0	01	20
	278	0	01	20
	281	0	04	00
	241	0	03	20
	239	0	00	20
	237	0	02	00
	236	0	05	20
	234	0	01	80
	233	0	03	20
	232	0	03	40
	226	0	07	80
	225	0	07	20
	223	0	01	40
	222	0	10	60
	217	0	02	20
	220	0	08	60
	219/1	0	09	20
	218/1	0	07	80

1	2	3	4	5
Hatundi	1587 Min	0	20	60
	1586	0	15	80
	1581	0	13	00
	1580	0	07	00
	1579	0	08	40
	1578	0	00	20
	1418	0	00	20

[No. R-25011/2/2004-O.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 6 जुलाई, 2004

का. आ. 1597.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 466 तारीख 23 फरवरी, 2004 द्वारा राजस्थान राज्य में कोयली - सिद्धपुर - सांगानेर से अजमेर तक इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पेट्रोलियम उत्पाद के परिवहन के लिए पाइपलाइन बिछाई जाने के प्रयोजन के लिए उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट राजस्थान राज्य के अजमेर जिला में तहसील नसीराबाद की भूमि में उपयोग का अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियाँ साधारण जनता को तारीख 15 मार्च, 2004 को उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के संबंध में सक्षम प्राधिकारी को जनता से कोई आक्षेप प्राप्त नहीं हुआ है।

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि पाइपलाइन बिछाने के लिए इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि पाइपलाइन बिछाने के संबंध में उपयोग का अधिकार इस घोषणा के प्रकाशन के तारीख को केन्द्रीय सरकार में निहित होने की बजाए सभी विल्लिंगमों से मुक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : नसीराबाद

जिला : अजमेर

राज्य : राजस्थान

गाँव का नाम	खसरा संख्या	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5
धोलादांता	602	0	12	20
	608	0	04	60
	600	0	01	80
	609	0	15	60
	594	0	03	20
	590	0	07	60
	589	0	02	80
	588	0	07	80
	587	0	03	60
	541	0	11	00
	542	0	09	00
	543	0	00	20
	546	0	06	60
	547	0	03	40
	534	0	06	40
	537	0	00	60
	535	0	01	20
	536	0	09	20
	303	0	07	80
	302	0	04	20
	301	0	04	60
	300	0	08	00
	290/2	0	09	80
	288	0	03	80
	289	0	05	20
	284	0	06	20

1	2	3	4	5
	283	0	05	80
	270	0	07	80
	267	0	01	00
	269	0	00	60
	268	0	08	00
	265	0	06	60
	261	0	00	20
	264	0	05	00
	263	0	20	60
	262	0	00	40
	333	0	00	60
बिदूर	2652	0	07	40
	2649	0	05	80
	2648	0	08	40
	2647	0	07	20
	2646	0	08	20
	2640	0	11	80
	2639	0	08	00
	2638/1	0	13	80
	2637/2	0	00	40
	2636	0	09	80
	2635	0	06	60
	2621	0	00	40
	2622	0	01	80
	2615	0	02	40
	2614	0	03	40
	2609	0	04	20
	2610	0	09	80
	2606	0	09	40
चैनपुरा	6851	0	10	60
	6850	0	11	80
	6848	0	11	20
	6846	0	00	20
	6817	0	26	20
	6816	0	04	00
	6812	0	05	60
	6813	0	12	20
	6805	0	02	20

1	2	3	4	5
	6814	0	10	00
	6803	0	00	20
	6761	0	00	20
	6762/1	0	12	80
	6762/2	0	03	40
	6763	0	09	40
	6764	0	02	00
	6766/1	0	06	80
	6765/2	0	00	20
	6755	0	12	60
	6754	0	12	00
	2646	0	05	20
	2645	0	08	40
	2644	0	00	20
	2171	0	05	40
	2172	0	02	20
	2170	0	04	60
	2173	0	02	00
	2169	0	00	20
	2174	0	06	00
	2175	0	01	60
	2189	0	00	20
	2176	0	03	20
	2183	0	01	00
	2184	0	00	20
	2187	0	01	80
	2186	0	02	80
	2203	0	05	40
	2202	0	10	20
	2072	0	13	20
	2073	0	10	80
	2074	0	00	20
	2030	0	03	20
	2031	0	08	60
	2029	0	01	60
	2028	0	05	60
	2017	0	13	40
	2016	0	02	20
	2014	0	01	00

1	2	3	4	5
भवानीखेडा	2018	0	00	80
	1980	0	10	20
	1973	0	23	00
	2582	0	00	20
	2571	0	03	80
	2563	0	06	00
	2562	0	02	20
	2561	0	05	00
	2533	0	06	60
	2534	0	00	60
	2540	0	01	40
	2539	0	08	40
	2524	0	03	20
	2523	0	11	60
	2517	0	00	20
	2518	0	09	20
	2494	0	02	20
	2493	0	04	60
	2519	0	00	60
	2492	0	05	40
	2491	0	07	40
	2464	0	05	40
	2463	0	01	80
	2465	0	19	40
	2466	0	01	00
	1871	0	10	20
	1826	0	04	20
	1827	0	07	00
	1828	0	00	20
	1821	0	08	00
	1820	0	01	00
	1710/2	0	31	60
	1700	0	02	40
	1676	0	04	60
	1677	0	03	00
	1675	0	03	40
	1678	0	01	80
	1679	0	01	20
	1680	0	02	20

1	2	3	4	5
	1681	0	03	20
	1682	0	06	00
	1684	0	03	40
	1685	0	01	80
	1558	0	00	40
	1559	0	00	20
	1560	0	00	20
	1557	0	05	60
	1582	0	02	20
	1584	0	02	40
	1581	0	03	80
	1580	0	09	20
	1590	0	02	40
	1591	0	06	20
	1598	0	04	60
	1593	0	00	80
	1594	0	02	60
	1597	0	00	20
	1595	0	04	40
	1642	0	00	40
	1604	0	01	40
	1641	0	05	60
	1640	0	04	40
	1611	0	00	80
	1612	0	05	40
	613 मिन	0	07	80
	1614	0	00	20
	1442	0	08	60
चाट सरदारपुरा	1966	0	00	20
	1972/2	0	00	20
	1971/1	0	08	20
	1967/2	0	05	60
	1968/2	0	03	20
	1970	0	00	60
	1642	0	12	80
	1723	0	02	00
	1724	0	04	20

1	2	3	4	5
	1721	0	04	80
	1726	0	06	60
	1728	0	04	60
	1729	0	02	80
	1730	0	01	20
	1731	0	02	00
	1734	0	03	00
	1736	0	04	40
	1737	0	04	00
	1743	0	05	60
	1744	0	00	20
	1745	0	05	20
	1742	0	03	20
	1740	0	08	00
	1741	0	03	20
	1697	0	03	20
	1698	0	08	00
	1696	0	00	20
	1700	0	00	20
	1693	0	07	20
	1699	0	02	40
	1692	0	09	40
	1691	0	00	20
	1687/1	0	04	20
	1687/2	0	00	80
	1685/1	0	04	80
	1684 फिन	0	04	40
	1683	0	05	00
	1681	0	01	20
	1218	0	09	40
	1219	0	01	60
	1204	0	10	60
	1203	0	05	40
	1202	0	05	40
	1199	0	33	20
	1130	0	13	80

New Delhi, the 6th July, 2004

S. O. 1597.—Whereas by the notification of the Government of India, in the Ministry of Petroleum and Natural Gas No. S.O. 466 dated 23rd February, 2004 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land in Tehsil : Nasirabad, District : Ajmer in Rajasthan State, specified in the schedule appended to that notification, for the purpose of laying Pipeline for the transportation of Petroleum Product from Koyali - Sidhpur - Sanganer to Ajmer in the State of Rajasthan by the Indian Oil Corporation Limited ;

And whereas, copies of the said gazette notification were made available to the general public on dated 15th March, 2004;

And whereas, No objection have been received by the Competent Authority from the public regarding the laying of the pipeline.

And whereas, the Competent Authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas, the Central Government after considering the said report and on being satisfied that said land is required for laying pipeline has decided to acquire the right of user their in.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline.

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipeline shall, instead of vesting in the Central Government, vests from the date of publication of this declaration, in the Indian Oil Corporation Limited, free from all encumbrances.

SCHEDULE

Tehsil : Nasirabad		District : Ajmer		State : Rajasthan	
Name of Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
Dholadanta	602	0	12	20	
	608	0	04	60	
	600	0	01	80	

1	2	3	4	5
	609	0	15	60
	594	0	03	20
	590	0	07	60
	589	0	02	80
	588	0	07	80
	587	0	03	60
	541	0	11	00
	542	0	09	00
	543	0	00	20
	546	0	06	60
	547	0	03	40
	534	0	06	40
	537	0	00	60
	535	0	01	20
	536	0	09	20
	303	0	07	80
	302	0	04	20
	301	0	04	60
	300	0	08	00
	290/2	0	09	80
	288	0	03	80
	289	0	05	20
	284	0	06	20
	283	0	05	60
	270	0	07	80
	267	0	01	00
	269	0	00	60
	268	0	08	00
	265	0	06	60
	261	0	00	20
	264	0	05	00
	263	0	20	60
	262	0	00	40
	333	0	00	60
Bithur	2652	0	07	40
	2649	0	05	80
	2648	0	08	40
	2647	0	07	20
	2646	0	08	20
	2640	0	11	80
	2639	0	08	00

1	2	3	4	5
Chainpura	2638/1	0	13	80
	2637/2	0	00	40
	2636	0	09	80
	2635	0	06	60
	2621	0	00	40
	2622	0	01	80
	2615	0	02	40
	2614	0	03	40
	2609	0	04	20
	2610	0	09	80
	2606	0	09	40
	6851	0	10	60
	6850	0	11	80
	6848	0	11	20
	6846	0	00	20
	6817	0	26	20
	6816	0	04	00
	6812	0	05	60
	6813	0	12	20
	6805	0	02	20
	6814	0	10	00
	6803	0	00	20
	6761	0	00	20
	6762/1	0	12	80
	6762/2	0	03	40
	6763	0	09	40
	6764	0	02	00
	6766/1	0	06	80
	6765/2	0	00	20
	6755	0	12	60
	6754	0	12	00
	2646	0	05	20
	2645	0	08	40
	2644	0	00	20
	2171	0	05	40
	2172	0	02	20
	2170	0	04	60
	2173	0	02	00
	2169	0	00	20
	2174	0	06	00

1	2	3	4	5
	2175	0	01	60
	2189	0	00	20
	2176	0	03	20
	2183	0	01	00
	2184	0	00	20
	2187	0	01	80
	2186	0	02	80
	2203	0	05	40
	2202	0	10	20
	2072	0	13	20
	2073	0	10	80
	2074	0	00	20
	2030	0	03	20
	2031	0	08	60
	2029	0	01	60
	2028	0	05	60
	2017	0	13	40
	2016	0	02	20
	2014	0	01	00
	2018	0	00	80
	1980	0	10	20
	1973	0	23	00
Bhawanikheda	2582	0	00	20
	2571	0	03	80
	2563	0	06	00
	2562	0	02	20
	2561	0	05	00
	2533	0	06	60
	2534	0	00	60
	2540	0	01	40
	2539	0	08	40
	2524	0	03	20
	2523	0	11	60
	2517	0	00	20
	2518	0	09	20
	2494	0	02	20
	2493	0	04	60
	2519	0	00	60
	2492	0	05	40
	2491	0	07	40
	2464	0	05	40

1	2	3	4	5
	2463	0	01	80
	2465	0	19	40
	2466	0	01	00
	1871	0	10	20
	1826	0	04	20
	1827	0	07	00
	1828	0	00	20
	1821	0	08	00
	1820	0	01	00
	1710/2	0	31	60
	1700	0	02	40
	1676	0	04	60
	1677	0	03	00
	1675	0	03	40
	1678	0	01	80
	1679	0	01	20
	1680	0	02	20
	1681	0	03	20
	1682	0	06	00
	1684	0	03	40
	1685	0	01	80
	1558	0	00	40
	1559	0	00	20
	1560	0	00	20
	1557	0	05	60
	1582	0	02	20
	1584	0	02	40
	1581	0	03	80
	1580	0	09	20
	1590	0	02	40
	1591	0	06	20
	1598	0	04	60
	1593	0	00	80
	1594	0	02	60
	1597	0	00	20
	1595	0	04	40
	1642	0	00	40
	1604	0	01	40
	1641	0	05	60
	1640	0	04	40
	1611	0	00	80
	1612	0	05	40

1	2	3	4	5
Chat Sardarpura	1613 Min	0	07	80
	1614	0	00	20
	1442	0	08	60
	1966	0	00	20
	1972/2	0	00	20
	1971/1	0	08	20
	1967/2	0	05	60
	1968/2	0	03	20
	1970	0	00	60
	1642	0	12	80
	1723	0	02	00
	1724	0	04	20
	1721	0	04	80
	1726	0	06	60
	1728	0	04	60
	1729	0	02	80
	1730	0	01	20
	1731	0	02	00
	1734	0	03	00
	1736	0	04	40
	1737	0	04	00
	1743	0	05	60
	1744	0	00	20
	1745	0	05	20
	1742	0	03	20
	1740	0	08	00
	1741	0	03	20
	1697	0	03	20
	1698	0	08	00
	1696	0	00	20
	1700	0	00	20
	1693	0	07	20
	1699	0	02	40
	1692	0	09	40
	1691	0	00	20
	1687/1	0	04	20
	1687/2	0	00	80
	1685/1	0	04	80
	1684 Min	0	04	40
	1683	0	05	00
	1681	0	01	20

1	2	3	4	5
	1218	0	09	40
	1219	0	01	60
	1204	0	10	60
	1203	0	05	40
	1202	0	05	40
	1199	0	33	20
	1130	0	13	80

[No. R-25011/2/2004-O.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 6 जुलाई, 2004

का. आ. 1598.— केन्द्र सरकार, एतद्वारा पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का. आ. 16 दिनांक 24 दिसम्बर, 1999 का आशोधन करते हुए तथा पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में महाराष्ट्र राज्य के राज्यक्षेत्र के भीतर, उक्त अधिनियम के अधीन हाज़ारवाड़ी के रास्ते लोनी से पक्नी तक हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड की मुम्बई-पुणे पाइपलाइन और मुम्बई-पुणे पाइपलाइन विस्तार परियोजना के लिए श्री एम. वी. चिटनिस, वरिष्ठ प्रबंधक, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड को सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए प्राधिकृत करती है।

[फा. सं. आर-31015/7/2004-ओ.आर.-II]
हरीश कुमार, अवर सचिव

New Delhi, the 6th July, 2004

S. O. 1598.— In modification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O 16 dated the 24th December, 1999 and in pursuance of clause(a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorizes Shri M.V. Chitnis, Sr. Manager, Hindustan Petroleum Corporation Limited (HPCL) to perform the functions of the competent authority for HPCL's Mumbai-Pune Pipeline and Mumbai-Pune Pipeline Extension Project from Loni to Pakni via Hazarwadi, under the said Act, within the territory of the State of Maharashtra.

[No. R-31015/7/2004-O.R.-II]
HARISH KUMAR, Under Secy.

अव मंत्रालय

नई दिल्ली, 8 जून, 2004

का. आ. 1599.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. सी. सी. एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद (संदर्भ संख्या 121/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-6-2004 को प्राप्त हुआ था।

[सं. एले.-22012/295/99-आई. आर. (सी. एम.-II)]
एन. पी. केशवन, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 8th June, 2004

S.O. 1599.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 121/2002 of the Central Government Industrial-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Co. Ltd., and their workmen, received by the Central Government on 08-06-2004.

[No. L-22012/295/99-IR(CM-II)]
N. P. KESAVAN, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT AT HYDERABAD**

PRESENT :

Shri E. Ismail, B.Sc., L.L.B., Presiding Officer

Dated the 22nd day of March, 2004

INDUSTRIAL DISPUTE NO. 121/2002

(Old I. D. No. 2/2000 transferred from Industrial
Tribunal-I, Hyderabad)

BETWEEN :

Sri M. Srinivas,
Qtr. No. AD/151, 'A' Zone,
Ramakrishnapur-504301,
Adilabad District.

... Petitioner

AND

The General Manager,
M/s. Singareni Collieries Co. Ltd.,
Ramakrishnapur-504301.

... Respondent

APPEARANCES :

For the Petitioner : M/s. G. Vidya Sagar, K. Udaya
Sree, P. Sudheer Rao &
A. Laxman, Advocates

For the Respondent : M/s. J. Parthasarathi, V. Hari
Haran & A. C. Sekhar,
Advocates.

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/295/99-IR (CM. II) dated 7-1-2000 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to the Industrial Tribunal-I, Hyderabad between the management of M/s. Singareni Collieries Co. Ltd. and their workman which has been transferred to this Tribunal in view of Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR (C. II) dated 18-10-2001 bearing No. ID. 2/2000. The reference is,

SCHEDULE

"Whether the action of the General Manager, M/s. Singareni Collieries Co. Ltd., Ramakrishnapur in dismissing Sh. M. Srinivas, General Mazdoor M.V.T.C. Ramakrishnapur w.e.f. 9-12-98 is justified? If not, to what relief the workman entitled for?"

The reference is renumbered in this Tribunal as I.D. No. 121/2002 and notices were issued to the parties.

2. The brief averments of the claim statement are : That the Petitioner joined as badli worker. Thereafter he was appointed as general mazdoor. That he was issued with office order dated 29-7-97 alleging that he committed fraud while preparing pay sheets and making payment of mines vocational training allowance to the trainees who were imparted training in MVTC, RKP. The Petitioner submitted detailed explanation denying the incident. The Petitioner was working as general mazdoor. He was transferred to MVTC, Ramakrishnapur and asked to prepare pay sheets and make MVT allowance payments to the trainees. Although he is not aware of pay sheets and disbursement of money, he was forced to attend to said duties at the instance of training manager. He was guided by Sri Ahmed, clerk. The Petitioner was placed under suspension on 29-7-98 alleging certain irregularities on payment of deficit amount of Rs. 20,000 and was taken back into service by shifting the suspension order. The Petitioner has also given undertaking for recovery of further amounts at Rs. 1500 per month. Accordingly deficit amounts were recovered. While so he was charged with a chargesheet and a departmental enquiry was conducted which was not done according to principles of natural justice. The disciplinary authority failed to see the recovery from the salary of the Petitioner. Therefore, dismissal from service is wholly unjust and unwarranted. That it is shockingly disproportionate, hence, he may be reinstated with back wages and other attendant benefits etc.

3. A counter was filed by the Respondent Management. That the Petitioner was assisting the clerk

in MVTC, Ramkrishnapur in preparing pay sheets. That a general mazdoor can be posted anywhere. That the amount misappropriated was found is Rs. 2,63,092. The workman admitted the same and paid Rs. 20,000 in two instalments and agreed to recover the balance from his salary @ Rs. 1,500 per month. That the enquiry was conducted as per rules and principle of natural justice. That merely some of the illegally obtained amounts have been recovered, does not absolve the Petitioner from punishment.

4. The counsel for the Petitioner submitted that the enquiry is validly conducted and conceded that the domestic enquiry is validly conducted.

5. It is argued by the Learned Counsel for the Petitioner that after all he is a general mazdoor who is not acquainted with the preparation of the bills and if any mistakes are committed the Petitioner has admitted the same and instead of his being not fully responsible he paid Rs. 20,000 and agreed to pay Rs. 1,500 per month. He has put in lot of service and throwing him out at the age of 34 years is not desirable. This Hon'ble Court has got ample powers under Sec. 11A to take a lenient view and award a lesser punishment. Hence, the reference may be answered in favour of the Petitioner by reducing the punishment of dismissal.

6. It is argued by the Learned Counsel for the Respondent that it is not as if he was posted for a month or two and these mistakes have crept in. He was there from January, 1990 to June, 1997 for full 7½ years. There was misappropriation every year except in 1994 and 1995. The pay sheets were kept at his house. Hence, no sympathy should be shown to him.

7. It may be seen that it is conceded that the enquiry is validly conducted and it is also seen that he has worked from January, 1990 to June, 1997. He has admitted the guilt and it is not as if it is one day's job. Number of bills are there, where either no amount is paid or less amount is paid. So actually it is misappropriation done at least 20 to 25 times. It is not as if it is a single fault because of strained circumstances have to be considered for a lenient view and reducing the punishment. I am afraid that for the misappropriate which is spread over for 7½ years and about 25 times no leniency can be shown to him and the reference is ordered as follows: The action of the General Manager, M/s. Singareni Collieries Co. Ltd., Ramkrishnapur in dismissing Sh. M. Srinivas, General Mazdoor M.V.T.C. Ramkrishnapur w.e.f. 9-12-98 is justified. Hence, the workman is not entitled to any relief.

Award passed. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 22nd day of March, 2004.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner : Witnesses examined for the Respondent :

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 8 जून, 2004

का. आ. 1600.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. सी. सी. एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, गोदावरीखानी (संदर्भ संख्या 137/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-6-2004 को प्राप्त हुआ था।

[सं. एल.-22013/1/2004-आई. आर. (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 8th June, 2004

S.O. 1600.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 137/2003) of the Industrial Tribunal-cum-Labour Court, Godavarikhani as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.C.C.L. and their workman, which was received by the Central Government on 07-06-2004.

[No. L-22013/1/2004-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GODAVARIKHANI

PRESENT :

Smt. K. Suvarchala, M. A., B.L., Chairman-cum-Presiding Officer.

Monday, the 17th day of May, 2004

INDUSTRIAL DISPUTE NO. 137 of 2003

BETWEEN :

Beri Sudhakar, S/o Mallaiiah,
Age 47 years, Occ : Haller Operator,
R/o. 284, D-Type Goleti,
R/o. Goleti township Mandal Rebbanna,
Dist. Adilabad. ... Petitioner

AND

1. The Colliery Manager,
Goleti-1, SCCL, Dist. Adilabad.
2. General Manager,
SC Company, Bellampalli,
PO : Bellampalli, Dist. Adilabad.
3. Managing Director (ADM),
Singareni Collieries,
Kothagudem,
Dist. Khammam. . . . Respondents.

This petition coming before me for hearing, but petitioner called absent, and having stood over for consideration till this date, the Court passed the following :—

AWARD

Petitioner called absent. No representation. Petition dismissed.

Pronounced by me in the open Court on this, the 17th day of May, 2004.

K. SUVARCHALA, Chairman-cum-Presiding
Officer

नई दिल्ली, 8 जून, 2004

का. आ. 1601.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, सी. पी. डब्ल्यू. डी. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोलम (संदर्भ संख्या 58/01) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-6-2004 को प्राप्त हुआ था।

[सं. एल.-42012/56/2000-आई. आर. (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 8th June, 2004

S.O. 1601.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 58/01) of the Industrial Tribunal-cum-Labour Court, Kollam as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 07-06-2004.

[No. L-42012/56/2000-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL, KOLLAM

(Dated, this the 7th day of May, 2004)

PRESENT :

SRI C. N. SASIDHARAN, INDUSTRIAL TRIBUNAL
IN

INDUSTRIAL DISPUTE No. 58/01

BETWEEN :

The Executive Engineer,
Trivandrum Central-Division,
Central Public Works Department,
Vellayani,
P.O. Trivandrum . . . Management

(By Sri C. Jayachandran, Advocate, Trivandrum)

AND

Sri S. Sadanandan, Kulathinkara Veedu,
Perudavu P.O., Vilappil,
Trivandrum. . . Workman

(By Sri S. Ajith, Advocate, Trivandrum)

AWARD

The Government of India by Order No. L-42012/56/00/IR(C-II) dated 21-6-'01, have referred this Industrial dispute for adjudication to this Tribunal.

The issue for adjudication is the following :

"Whether the action of the management of Trivandrum Central Division of CPWD, Trivandrum in not absorbing Sri S. Sadanandan, Asst. Mason in the services and terminating him from services w.e.f. 26-5-'87 is legal and justified? If not, to what relief, he is entitled to ?

2. Both sides entered appearance before this Tribunal and filed statements advancing their respective contentions. Thereafter, while the case was pending for evidence, the workman filed proof affidavit on 18-11-03 and presented himself for cross examination on 23-3-04. But on that day the management and its counsel remained absent without any reason what so ever. Hence the management was set ex-parte. The counsel for the workman was heard and the case was closed for award. The management has not taken any steps till today to reopen the case and let in evidence of management.

3. In the proof affidavit filed by the workman it is stated that he was appointed by the management on 30-5-85 as casual employees as his name was sponsored by Employment Exchange that on 3-12-85 the management terminated his services alleging that the work for which he was engaged have been completed, but at the same time management has retained two employees recruited along with the workman and that he was again appointed on 8-7-86 and terminated on 26-7-86 without any reason. It is further stated that he was again appointed on 17-1-87 and remained in service till 25-5-87 and thereafter he was denied employment, that many of the employees appointed along with him have been regularised in the service of the management, but he have been terminated from service though he had altogether 332 days service with management and that

his termination is illegal and hence he is entitled to be reinstated and regularised in the service. According to the workman the management has issued circular stating that the workers who have got 240 days engagement in two years be regularised in the service. The above averments of the workman in support of his claim statement filed before this Tribunal, remained unchallenged. There are absolutely no reasons also to disbelieve the case of the workman. I accordingly accept the case of the workman as true and correct. That being the position the workman is entitled to be reinstated in service of management.

4. In view of what is stated above, an award is passed holding that the action of management of Trivandrum Central Division of CPWD, Trivandrum in not absorbing Sri S. Sadanandan, the workman in this case, in the service and terminating him from service w.e.f. 26-5-87 is illegal and unjustified and accordingly directing the management to reinstate him and to regularise his services.

C. N. SASIDHARAN, Industrial Tribunal

नई दिल्ली, 8 जून, 2004

का. आ. 1602.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एफ. सी. आई. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ (संदर्भ संख्या 58/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-6-2004 को प्राप्त हुआ था।

[सं. एल.-22012/19/2001-आई. आर. (सी. एम.-II)]
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 8th June, 2004

S.O. 1602.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 58/2003 of the Central Govt. Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the industrial dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 07-06-2004.

[No. L-22012/19/2001-IR(CM-II)]
N. P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT :

Shrikant Shukla, Presiding Officer

I. D. No. 58 of 2003

Ref. No. L-220/19/2001-IR (CM-II) dated 26-3-2003

BETWEEN :

The State Secretary, Bhartiya Khadya Nigam Karamchari Sangh, 5-6, Habibullah Estate, Hazratganj, Lucknow (U.P.)

AND

The Sr. Regional Manager, Fod Corporation of India, 5-6, Habibullah Estate, Hazratganj, Lucknow (U.P.)-226001.

AWARD

The Government of India, Ministry of Labour vide their order No. L-220/19/2001-IR(CM-II) dated : 26-3-2003 has referred the following issue for adjudication to this Tribunal.

“Whether the action of the management of FCI, Lucknow in not regularising the services of Sh. Keshav Prasad as Driver Gr. II and not paying the salary of regular Gr-II Driver is legal and justified ? If not, to what relief he is entitled ?

The Bhartiya Khadya Nigam Karamchari Sangh and the management of FCI, Lucknow has settled the issue by compromise.

The issue which was referred was to the effect as to whether the action of the management of FCI, Lucknow in not regularising the services of Sh. Keshav Prasad as Driver Gr. II and not paying the salary of regular Gr-II Driver is legal and justified. In the interest of justice I examined the workman, Sh. Keshav Prasad, the representative of the management Sh. Sharad Chandra Srivastava and Sh. T. B. Singh, the authorised representative of the Bhartiya Khadya Nigam Karamchari Sangh. All of them have stated on oath that the parties have compromised. The management's representative has offered the offer of appointment letter to the workman, Sh. Keshav Prasad for the post of Driver Gr. II and has categorically stated that prior to this date i.e. 2-6-2004, Sh. Keshav Prasad was not regularly appointed Driver. The workman has also stated that prior to this date he was not regularly appointed Driver Gr. II.

Heard the parties present. The workman has agreed that he will become the regularly appointed Driver from 2-6-2004 and accordingly he will get salary of regularly Gr. II Driver and prior to this since he was not regular Gr. II Driver therefore he was not entitled to get salary for the period prior to 2-6-2004. The workman has relinquished the claim of regularisation from previous date and has also relinquished the claim of back wages. The management has filed two documents paper No. 22A, signed by Sh. Anupam Dubey, Dy. Manager (Administration), FCI and another paper No. 23A letter of Sh. S. P. Singh, State Secretary, Bhartiya Khadya Nigam Karamchari Sangh.

Shri Keshav Prasad has received the offer of appointment as Driver Gr. II in the scale of

Rs. 4620-100-5120-120-6560-125-6685-130-6815-140-8215. He has also submitted his acceptance letter to the management and therefore, the workman shall receive the wages of Driver Gr. II and other benefits available to the driver Gr. II w.e.f. 2-6-2004. Accordingly the issue is disposed off.

LUCKNOW 2-6-2004

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 8 जून, 2004

का. आ. 1603.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, आकाशवाणी प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, जोधपुर (संदर्भ संख्या 20/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-6-2004 को प्राप्त हुआ था।

[सं. एल.-42012/254/2001-आई. आर. (सी एम-II)]
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 8th June, 2004

S.O. 1603.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 20/2002) of the Industrial Tribunal, Jodhpur as shown in the Annexure, in the industrial dispute between the management of Akashvani and their workmen, received by the Central Government on 07-06-2004.

[No. L-42012/254/2001-IR(CM-II)]
N. P. KESAVAN, Desk Officer

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय, जोधपुर

पीठासीन अधिकारी :

श्रीमती निशा गुप्ता, आर. एच. जे. एस.,

औ. वि. (केन्द्रीय) सं. : 20/2002

अर्जुन कुमार पुत्र श्री वल्लभ जी जाति ब्राह्मण,
निवासी प्लॉट नं. 47,
रिफ्यूजी कॉलोनी, प्रताप नगर, जोधपुर

... प्रार्थी

बनाम

केन्द्र निदेशक, आकाशवाणी, पावटा सी रोड,
जोधपुर।

... अप्रार्थी

उपस्थिति :

(1) प्रार्थी प्रतिनिधि श्री एल. एल. शर्मा उप.

(2) अप्रार्थी प्रतिनिधि श्री रवि भैसाली उप.

अधिनिर्णय

दिनांक 02-4-2004

श्रम मंत्रालय, भारत सरकार, नई दिल्ली ने अपनी अधिसूचना क्रमांक एल. 42012/254/2001 दिनांक 29-7-2002 से निम्न विवाद वास्ते अधिनिर्णय इस न्यायालय को प्रेषित किया है :—

“क्या निदेशक आकाशवाणी, जोधपुर द्वारा श्रमिक श्री अर्जुन कुमार पुत्र श्री वल्लभ को दिनांक 15-3-2000 से सेवा से पृथक् करना ठीक एवं वैध है ? यदि नहीं तो श्रमिक क्या राहत पाने का अधिकारी है ?”

प्रार्थी ने अपना मांग-पत्र प्रस्तुत करते हुए अभिकथित किया कि प्रार्थी की नियुक्ति अप्रार्थी के अधीन 1-4-1980 को दैनिक वेतन भोगी के रूप में हुई, प्रार्थी 22-6-83 को जब कार्य पर उपस्थित हुआ तो उसे बिना कारण के अप्रार्थी ने कार्य पर लेने से मना कर दिया, पत्र व्यवहार करने पर प्रार्थी को पुनः 9-1-84 को कार्य पर लिया परन्तु 3-3-84 को पुनः बिना किसी कारण के सेवाएं समाप्त कर दी जिस पर प्रार्थी ने केन्द्रीय श्रम आयुक्त, अजमेर के समक्ष विवाद प्रस्तुत किया लेकिन वार्ता असफल रही और मामला केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर को निर्णय हेतु प्रेषित किया, केन्द्रीय न्यायाधिकरण जयपुर द्वारा दोनों पक्षों को सुनकर 15-4-93 को निर्णय करते हुए प्रार्थी की सेवाएं 3-3-84 से समाप्त करने की कार्यवाही को अवैध व अनुचित घोषित किया तथा प्रार्थी को सेवा की निरन्तरता में सभी लाभों व पिछले समस्त वेतन सहित सेवा में पुनर्स्थापित किये जाने का अधिनिर्णय पारित किया, अप्रार्थी ने उक्त एवार्ड की पालना न कर माननीय उच्च न्यायालय में रिट याचिका प्रस्तुत की जिसमें दोनों पक्षों को सुनकर 7-3-95 को याचिका निर्णित करते हुए मामला केन्द्रीय न्यायाधिकरण, जयपुर को 240 दिन की गणना हेतु प्रेषित कर दिया, केन्द्रीय न्यायाधिकरण द्वारा पुनः दोनों पक्षों को सुनकर 5-1-96 को निर्णय पारित किया व प्रार्थी की सेवा को निरन्तर बनाये रखते हुए पुनः सेवा में बहाल होने का व जांच की अवधि का समस्त वेतन व अन्य आर्थिक लाभ नियमानुसार प्राप्त करने का अधिकारी घोषित किया जिस पर अप्रार्थी ने पुनः रिट याचिका पेश की जिस पर माननीय उच्च न्यायालय ने पुनः 23-10-97 को याचिका निर्णित करते हुए 240 दिवस की गणना हेतु केन्द्रीय न्यायाधिकरण, जयपुर को प्रकरण प्रेषित किया, केन्द्रीय न्यायाधिकरण द्वारा उच्च न्यायालय के निर्देशानुसार पुनः सुनवाई कर 26-11-97 को एवार्ड जारी किया व प्रार्थी की 3-3-84 से सेवा समाप्ति को अनुचित व अवैध घोषित करते हुए सेवा समाप्ति से सेवा में लिये जाने तक की बीच की अवधि का 50 प्रतिशत वेतन व अन्य लाभ प्राप्त करने का अधिकारी घोषित किया जिस पर अप्रार्थी द्वारा पुनः रिट याचिका प्रस्तुत की जो 17-8-99 को निर्णित की गई व 50 प्रतिशत के स्थान पर 30 प्रतिशत वेतन व अन्य लाभ प्राप्त करने का अधिकारी घोषित किया, उक्त निर्णय के विरुद्ध अप्रार्थी ने कोई अपील नहीं की व निर्णय के पश्चात प्रार्थी अप्रार्थी के यहां काम पर उपस्थित हो गया परन्तु उसे कार्य पर नहीं लिया गया व अन्ततः दिनांक 15-11-99 को कार्य पर लिया व 15-3-2000 को पुनः अचानक आदेश जारी कर प्रार्थी की सेवाएं समाप्त कर दी जो 25-एफ के प्रावधानों के सर्वथा विपरित है तथा

अनुचित श्रम अभ्यास है। यह कहा गया है कि प्रार्थी को हटाने के पश्चात् राजेन्द्र को चपरासी से एल. डी. सी. के पद पर स्थाई कर दिया अन्नाराम को भी चपरासी पद पर स्थाई कर दिया, 1987 में ओमप्रकाश की नियुक्ति की जिसे भी माली के पद पर स्थाई कर दिया। यह भी कहा गया है कि 15-11-99 को कार्य पर लेने के पश्चात् पिछला बकाया का भुगतान भी नियमानुसार नहीं दिया बल्कि 35194 रु. की राशि ही अदा की। अंत में निवेदन किया कि प्रार्थी को 15-3-2000 से सेवा मुक्ति अनुचित एवं अवैध घोषित की जाकर प्रार्थी को पुनः सेवा की निरन्तरता में पूर्ण लाभों सहित सेवा में पुनर्स्थापित किये जाने का एवार्ड जारी किया जावे।

अप्रार्थी की ओर से जवाब में कहा गया कि प्रार्थी को आकस्मिक कार्यों के लिए मजदूरों की आवश्यकता होने पर दैनिक वेतन भोगी के रूप में मस्टररोल पर लगाया था, प्रार्थी ने वर्ष 1980 में 209 दिन, वर्ष 81 में 169 दिन एवं वर्ष 82 में व 83 में 188 दिन कार्य किया, इसके पश्चात् औ. प्राधिकरण, जयपुर के निर्णय दिनांक 26-11-97 एवं माननीय उच्च न्यायालय, जोधपुर के निर्णय दिनांक 17-8-99 की पालना में प्रार्थी को दैनिक वेतन भोगी के रूप में पुनः रखा गया। यह कहा गया है कि वास्तव में माननीय उच्च न्यायालय के निर्णय दिनांक 17-8-99 की पूर्ण रूप से पालना की गई एवं न्यायालय के आदेशानुसार ही प्रार्थी को 17-8-99 से सेवा में लिया माना गया जब कि प्रार्थी ने वास्तव में उपस्थिति दिनांक 15-11-99 को दी, चूंकि अप्रार्थी कार्यालय में दैनिक वेतन भोगी मजदूरों के लिए स्पेसिफिक कार्य नहीं होने के कारण प्रार्थी को 15-3-2000 को सेवा से पृथक् करते हुए औ. वि. अधिनियम की पूर्ण पालना करते हुए प्रार्थी को नियमानुसार भुगतान किया गया जो सही एवं वाजिब है। अप्रार्थी को जब-जब भी आकस्मिक श्रमिकों की आवश्यकता हुई, मस्टररोल पर रखा गया इसके अलावा जब भी वर्ग "च" के पद रिक्त हुए उन्हें भरने के लिए नियोजन कार्यालय से सूची मंगवाई गई एवं साक्षात्कार की सूची अनुसार नियुक्ति दी गई इसी क्रम में राजेन्द्र एवं अन्नाराम को नियोजन कार्यालय की सूची अनुसार चपरासी एवं फराश के पद पर नियुक्ति दी गई जब कि प्रार्थी का नाम नियोजन कार्यालय से कभी प्राप्त नहीं हुआ, ओम प्रकाश माली की नियुक्ति भी वर्ष 1993 में नियोजन कार्यालय के मार्फत चयन के पश्चात् की गई। अप्रार्थी द्वारा प्रार्थी को 3-3-84 से 14-11-99 की अवधि का बैंक वैजेंज माननीय उच्च न्यायालय के आदेशानुसार 35174 रुपये का भुगतान किया जा चुका है। यह कहा गया है कि प्रार्थी मस्टररोल पर कार्य करता था साथ-साथ अपनी चाय का ठेला भी करता था चूंकि अप्रार्थी को अब दैनिक वेतन भोगी श्रमिक की कोई आवश्यकता नहीं है इसलिये धारा 25-एफ (बी) की पूर्ण रूप से पालना करते हुए 15-3-2000 का आदेश पारित किया है जो सही है। अन्त में निवेदन किया कि प्रार्थी का मांग-पत्र सव्यय खारिज किया जावे।

मांग-पत्र के समर्थन में स्वयं प्रार्थी ने अपना शपथ-पत्र प्रस्तुत किया जिस पर अप्रार्थी प्रतिनिधि द्वारा जिरह की गई तथा अप्रार्थी की ओर से राकेश अम्बा का शपथ-पत्र पेश किया जिस पर प्रार्थी प्रतिनिधि द्वारा जिरह की गई। प्रार्थी की ओर से विभिन्न दस्तावेजात की फोटो स्टेट प्रतियां पेश की गईं।

दोनों पक्षों के प्रतिनिधिगण की बहस सुनी, पत्रावली का अवलोकन किया गया।

प्रार्थी द्वारा यह कहा गया कि उसे 1-4-80 को दैनिक वेतनभोगी के रूप में नियोजित किया गया, उसकी सेवाएं 3-3-84 को समाप्त कर दी गई परन्तु न्यायिक निर्णय के पश्चात् उसे 15-11-99 को पुनः कार्य पर लिया गया और 15-3-2000 के आदेश से उसकी सेवा समाप्त कर दी गई जो झुठीपूर्ण है जब कि उससे कनिष्ठ राजेन्द्र, अन्नाराम, ओमप्रकाश आदि को स्थाई कर दिया गया है।

विपक्षी द्वारा यह कहा गया कि प्रार्थी की आवश्यकता नहीं होने के आधार पर उसे हटाया गया और नई नियुक्ति के समय नियोजन कार्यालय से प्रार्थी का नाम नहीं आया था। अतः उसे नियुक्ति नहीं दी गई।

प्रार्थी ने अपनी प्रतिपरीक्षा में यह कथन किया है कि नियोजन कार्यालय की सूची में उसका नाम आया था या नहीं उसे पता नहीं और उसे गलत तौर पर हटाया है।

विपक्षी की ओर से राकेश अम्बा अधीक्षण अभियन्ता पेश हुए हैं उन्हें राजेन्द्र, अन्नाराम, ओम प्रकाश के संबंध में कोई जानकारी नहीं है, इन्होंने इस बात से इन्कार किया है कि प्रार्थी को दुर्भावना से हटाया हो।

प्रार्थी की ओर से विभिन्न निर्णय जो उसके पक्ष में हुए वे पेश किये गये हैं जिससे स्पष्ट है कि प्रार्थी की सेवामुक्ति पूर्व में अवैध मानी गई थी और उसे पुनः सेवा में स्थाई करने का आदेश दिया गया, उसकी सेवाएं निरन्तर मानी गईं।

15-3-2000 का आदेश पेश हुआ है जिसमें कहा गया है कि प्रार्थी के लिए कोई विशिष्ट कार्य नहीं है अतः उसे हटाया जा रहा है। परन्तु स्वयं विपक्षी के जवाब से यह स्थिति स्पष्ट है कि प्रार्थी को हटाने के बाद अन्य व्यक्तियों राजेन्द्र, अन्नाराम आदि को नियोजित किया गया एवं नियोजन के पूर्व प्रार्थी को कोई नोटिस भेजा गया हो या उसे नियोजन का कोई अवसर दिया गया हो ऐसी स्थिति नहीं है। विपक्षी का यह कहना कि नियोजन कार्यालय से नाम नहीं आया परन्तु नियोजन कार्यालय से नाम नहीं आने मात्र से विपक्षी धारा 25-एच के प्रावधानों की पालना करने से मुक्त नहीं हो जाता। धारा 25-एच में यह स्थिति स्पष्ट है कि यदि नियोक्ता पुनः नियोजन करेगा तो पूर्व में कार्यरत श्रमिकों को अवसर दिया जायेगा परन्तु प्रार्थी को ऐसा कोई अवसर नहीं दिया गया।

यह स्थिति भी स्पष्ट है कि प्रार्थी विपक्षी के अधीन 1-4-80 से काम कर रहा था और उसे 15-3-2000 को 20 वर्ष की सेवा अवधि पूर्ण करने के पश्चात् काम नहीं होने के आधार पर हटाया गया परन्तु इसके पूर्व खरिष्टता के क्रम का कोई ध्यान रखा गया हो ऐसी कोई स्थिति प्रस्तुत नहीं की गई है। प्रार्थी का यह कथन है कि राजेन्द्र, अन्नाराम आदि को स्थाई कर दिया गया है इसका कोई खण्डन विपक्षी की ओर से प्रस्तुत नहीं किया गया है। विपक्षी की ओर से पेश साक्षी राकेश अम्बा को इस संबंध में कोई जानकारी नहीं है।

इस प्रकार प्रार्थी को बिना कारण हटाने का उद्देश्य उसे परेशान करना मात्र प्रतीत होता है और यह श्रम विरोधी कृत्य स्पष्ट तौर से

प्रतीत होता है, पुनः नियोजन में भी प्रार्थी को कोई अवसर नहीं दिया गया, यह स्थिति स्वयं प्रतीत होती है कि प्रार्थी द्वारा सेवामुक्ति का विवाद न्यायालय में पेश करने के कारण उसे सेवामुक्ति दिया गया है। 20 वर्ष की सेवा अवधि पूर्ण करने के पश्चात् श्रमिक को बिना कारण हटाने का कोई आधार नहीं है।

प्रार्थी की ओर से डब्लू. एल. सी. राजस्थान 1998 (यू. सी.) पेज 328 वीरेन्द्र कुमार शर्मा बनाम श्रम न्यायालय, जयपुर का विनिश्चय पेश किया जिसमें कर्मकार को परिभाषित किया गया जिसका कोई विवाद नहीं है।

प्रार्थी की ओर से 1992 (1) डब्लू. एल. सी. (राजस्थान) पेज 708 लोकेश कुमार बनाम राजस्थान राज्य, 1999 (1) डब्लू. एल. सी. (राज.) पेज 43 मदन सिंह रावत बनाम अजमेर सेन्ट्रल कॉऑपरेटिव बैंक, 2002(3) डब्लू. एल. सी. राजस्थान पेज 728 भवानी सिंह बनाम राज्य के विनिश्चय पेश किये जिसमें स्पष्ट किया गया है कि जब नियमित पद हैं तब दैनिक श्रमिकों को नियोजित करना और उन्हें लम्बे समय तक इसी रूप में रखना त्रुटिपूर्ण श्रम पद्धति है। प्रस्तुत प्रकरण में भी स्थिति इसी के समान है, प्रार्थी 1980 से विपक्षी के अधीन नियोजित है, उसके बावजूद भी बिना कारण सेवा पृथक करना और पुनः नियोजन में धारा 25-एच की पालना नहीं किया जाना त्रुटिपूर्ण है।

प्रार्थी की सेवामुक्ति 15-3-2000 को की गई जब कि यह रेफरेन्स श्रम मंत्रालय भारत सरकार द्वारा इस न्यायालय को 29-7-2002 को प्रेषित किया गया, यह स्थिति भी सही है कि प्रार्थी ने 15-3-2000 के पश्चात् कोई कार्य नहीं किया है अतः समस्त तथ्यों एवं परिस्थितियों को देखते हुए प्रार्थी को रेफरेन्स की तिथि 29-7-2002 से आदेश की पालना तक 25 प्रतिशत राशि पूर्व भूति के रूप में दिलाई जाती है।

अधिनिर्णय

अतः यह अधिनिर्णय किया जाता है कि निर्देशक आकाशवाणी जोधपुर द्वारा श्रमिक श्री अर्जुन कुमार पुत्र श्री वल्लभ को दिनांक 15-3-2000 से सेवामुक्ति करना अनुचित एवं अवैध है। अतः आदेशित किया जाता है कि विपक्षी नियोजक प्रार्थी को तुरन्त सेवा में पुनर्स्थापित करे, प्रार्थी की सेवाएं निरन्तर मानी जाएंगी, प्रार्थी विपक्षी नियोजक से रेफरेन्स की तिथि 29-7-2002 से आदेश की पालना तक 25 प्रतिशत राशि पूर्व भूति के रूप में प्राप्त करेगा।

यह अधिनिर्णय आज दिनांक 02-4-2004 को खुले न्यायालय में हस्ताक्षर कर सुनाया गया।

निशा गुप्ता, न्यायाधीश

नई दिल्ली, 8 जून, 2004

का. आ. 1604.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी. जी. आई. टी./एल. सी. (आर.) 232/93)

को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-6-2004 को प्राप्त हुआ था।

[सं. एल.-22012/8/93-आई. आर. (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 8th June, 2004

S.O. 1604.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC(R)(232)/93) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of SECL and their workmen which was received by the Central Government on 07-06-2004.

[No. L-22012/8/93-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, JABALPUR

PRESENT :

Shri Shrikant Shukla, Presiding Officer

Case No. CGIT/LC(R)(232) of 93

Between General Secretary Chhattisgarh Khadan Karkhana Mazdoor Union, P.O. Banki Mogra, Distt—Korba (presently Chhattisgarh)

AND

Sub Area Manager, SECL Banki Mogra P.O., Banki Mogra, Distt—Korba (presently Chhattisgarh)

Govt. of India, Ministry of Labour vide its order No. 22012/8/93-IRC (The Chief General Manager, Chirimiri Area-II) dt. 27-10-93 referred the following dispute for adjudication to P.O.

Central Govt. Industrial Tribunal, Jabalpur

"Whether the action of the management of SAM SECL Banki Colliery, Distt. Bilaspur (M.P.) in not providing employment benefit to the dependent of their workman Late Shri Israil, Fitter in the Banki Colliery is fair, just and legal. If not, to what relief the concerned dependent is entitled to and from which date?"

The fact of the case of the Chhattisgarh Khadan Karkhana Mazdoor Union which will hereinafter we call as union, is that Mohammad Israil was employed as Electric Fitter in Banki Colliery. Mohammad Israil died in accident on 1-6-78, when he was going to get medicine for his ailing wife. Mohammad Israil left after him his wife namely Amna Bibi, daughter Tavassum Khatun, son Md. Shakil, daughter Sabnam Khatun, son Kakushar

Akhatar & daughter Anju Ara. In the Welfare Scheme of the workers, the widow of Mohammad Israil applied for employment so that she could maintain her family, but SAM informed her on 2-9-78 that it is not possible to provide her any employment. However, if she applied for the employment of her son, the same can be considered. The widow of Mohammad Israil tried to persuade the management, but the management did not hear. It has been alleged that other employees namely Shri S. K. Bos, Kartik Ghosh, Varghese, Kisori Pandit, K. C. Yadav, Kholbahra and B. L. Mahilange who were in service met with accident and died. The wives of these deceased applied for their employment, and their application was allowed and wives of those deceased got employment. The dependent of deceased employees who could not get employment prior to 1-1-79. The widow of Mohammad Israil also applied for dependent employment of her heir who has attained the age of 18 years and major. Therefore, he should also be considered for employment. But the management did not provide the employment to the son of Mohammad Israil. Aggrieved by the conduct of the management widow of Mohammad Israil resorted hunger strike till death on 17-2-92. SAM, thereafter on 25-2-92 received the application of widow of Mohammad Israil for re-consideration. Ultimately, the management vide letter No. 2426 dtd. 26-11-92 intimated that they are not in a position to consider the request of widow of Mohammad Israil. In these circumstances the union has raised the present Industrial Dispute claiming employment to the son of late Mohammad Israil. The union has filed their statement of claim praying that the management be directed to consider the case of late Mohammad Israil and provide employment to the wife of late Mohammad Israil w.e.f. 2-9-78 with full back wages and consequential benefit or in the alternative the employment to the son of late Mohammad Israil be provided w.e.f. 1st August 1990 with full back wages and consequential benefit.

The management has filed written statement. It has been admitted by the management that Mohammad Israil expired on 1-6-78 due to road accident. His death had nothing to do with his working. At the time when Mohammad Israil was working there was no agreement, Rule or Regulation for grant of employment to dependent. The union cannot raise a dispute regarding the persons who were not its members. When Mohammad Israil was in employment, the union namely CKKMU was not at all in existence and therefore, admittedly Mohammad Israil could not be a member of the said union. Neither the dependent of late Mohammad Israil were members of the said union. Therefore, the union does not have any locus standi to raise this dispute. The dispute referred for adjudication is therefore liable to be rejected on this ground.

It has further been alleged that the provisions for grant of employment to a dependent was incorporated for

the first time in the National Coal Wage No. II which came into force w.e.f. 1-1-1979. Provision for employment to dependent was incorporated in the said agreement vide clause 10.4.1 of the agreement. In the instant case the cause of action for claiming employment to dependent arose on 1-6-78 when Mohammad Israil expired. On that day there was no provision under the service Rules, Regulation and Condition of employment of Mohammad Israil for grant of employment to dependent. The widow of Mohammad Israil could claim employment only if there was any such provision. Smt. Amna Bibi widow of Mohammad Israil has claimed employment for her son. The application for appointment was made in the year 1991, claiming employment for her son. However, there was no justification for giving employment to the dependent. Even otherwise Mohammad Israil did not die because of accident arising out of and in the course of employment. He died because of road accident which had nothing to do with his employment. As such his dependent are not entitled to appointment on compassionate ground.

Grant of employment to a dependent is not a legal right of an individual. The employment to the dependent is based on statutory rules, regulations or agreement if any in this regard. The benefit of subsequent agreement that came into force some years after cause of action arose cannot be extended to reopen old case. In this circumstance, dependent of deceased employee cannot claim any benefit on the basis of the said agreement which came into effect subsequently.

The management has categorically alleged that the claim for employment of dependent of late Mohammad Israil is totally unjustified. As such the claim of the union is liable to be rejected

The worker has filed rejoinder alleging therein that there was a tradition to provide employment after the death of the worker of the colliery. It is also alleged that there is a tradition to provide old age leave to its workers after the completion of the age of 60 years. However, it has been admitted that at the time of death of Mohammad Israil, the agreement No. II was not in existence. That to provide uniformity for employment, the agreement No. II came into existence. But the provision prevalent in past cannot be overlooked. It is also alleged that the dependent of the workers who died prior to 1-1-79 cannot be deprived of benefit of agreement No. II.

The union has filed the following documents in support of the case.

1. Photo copy of Death Certificate of Mohammad Israil dated 14-6-78 (Paper No. 7/3).
2. Carbon copy of Application made by Smt. Amna Bibi addressed to SAM Banki Colliery for employment. (Paper No. 7/4).

3. Photocopy of letter of SAM dt. 2.9.78 addressed to Smt. Amna Bibi indicating inability to provide employment to Amna Bibi (Paper No. 7/5).
4. Photocopy of application made by Kanchan Bai addressed to CMD WCL, Nagpur (Paper No. 7/6).
5. Carbon copy of application dt. 27-1-89 addressed to CMD SECL, Bilaspur through SAM Banki Colliery. (Paper No. 7/7).
6. Office Order No. 48 of 1978 of Govt. of India, Ministry of Labour Office of the Welfare Commissioner, Jabalpur (Paper No. 7/8 to 7/11).
7. Carbon copy of the letter of P.M. Korba (E) addressed to Shri Sahettar Singh (Paper No. 7/12).
8. Letter dt. 4-9-90 of P.M. Korba (E) addressed to Shri Md. Yunus (Paper No. 7/13).
9. Letter of Smt. Amna Bibi addressed to CMD SECL, Bilaspur (Paper No. 7/14).
10. Photocopy of letter of Chief General Manager (P & A) addressed to Smt. Amna Bibi (Paper No. 7/15) showing inability to provide employment.
11. Carbon copy of application made by Amna Bibi to Sub Area Manager Banki Colliery. Dt. 30-1-92 (Paper No. 7/16 & 7/17).
12. Carbon copy of application SAM Bani addressed to Dy. Regnl. Manager Banki Colliery. (Paper No. 7/18).
13. Letter of Dy. Regnl. Manager Banki Colliery dt. 25-2-92 addressed to Dy. Chief P. M., Korba (W). (Paper No. 7/19).
14. Letter of Addl. CME/Dy. General Manager Banki Sub Area addressed to Amna Bibi. (Paper No. 7/20).

The management has filed the Photocopy of National Coal Wage Agreement (II) which came into effect from 1-1-79 to 31-12-82 (Paper No. 8/2 to 8/8).

Smt. Amna Bibi filed an affidavit in support of her case and she was cross-examined by the representative of management.

Shri Anjani Kumar Dwevedi, Secretary of the C. G. Khadan Karkhana Mazdoor Union was cross-examined by the representative of the management. The union has also examined Md. Sakil has been cross-examined by the management representative.

The management has filed the photocopy of appointment letter of Dhannu Devi, Tuleshwar Dwevedi, Munki Devi, Kanchan Bai with service record (Paper No. 15/13 to 15/19).

The management has filed affidavit of Shri P. K. Jain, Sr. P. O. in support of their case and he has been cross-examined by the representative of the union.

The management has filed written argument in support of their case, where the union representative has filed application stating that the union should be permitted to withdraw the case and requested to close the case.

The following are the admitted facts :—

Late Mohammad Israil was in the employment of management and died on 1-6-78. The National Coal Wage Agreement No. II came into existence on 1-1-79, the relevant portion of the agreement is provided in Chapter No. 12. In the said agreement, there was a provision of employment to the dependents in 10.4.1. The provisions are as follows :—

Employment would be provided to one dependent of workers disabled permanently and those who meet with death while in service. Chapter-XII also provide that the agreement including wage structure shall come into force w.e.f. 1-1-79 unless otherwise specified. This agreement came into force w.e.f. 1-1-79.

According to the statement of claim in para 4, the union has alleged that when Mohammad Israil was going to get medicine for his ailing wife, he met with accident on 1-6-78, but when Smt. Amna Bibi in her cross-examination stated that when her husband was going on picnic on 1-6-78, then he died. Thus allegation of statement of claim and oral testimonial in cross-examination are contradictory.

The affidavit of Smt. Amna Bibi is undated and has not been attested and witnessed by any one.

On 13-3-96 she has stated that she does not remember as to when she applied for dependent employment. Further she has admitted that his elder son is plying Jeep for the last 15 years and his another son is also employed intermittently at the same time. She had stated that she is not residing with her sons who are employed.

Although the union has stated in para 5 of the claim that various employees such as Kartik Ghosh, Varghese, Kishori Pandit, K. C. Yadav, Kholbehra and Mahilang died on 11-10-78 when they were on the way of picnic to Ratanpur (Khoontaghat). It is also mentioned in the same para that their dependent has been provided employment. Smt. Amna Bibi stated in her cross-examination that she does not remember as to whom employment given. She has also shown her ignorance about under which provision employment has been given to the dependent of deceased employees. The office bearer of the union Shri Anjani Kumar has also admitted in his cross-examination that deceased Mohammad Israil was employee of NCDC and there was no provision for the employment of the dependents of employees in case of death during service. He has also admitted that there was no such provision in NCWA-I. He has admitted that the provision of providing employment to the dependent employees was incorporated

in NCWA-II which came into force w.e.f. 1-1-79. It is categorically admitted that the said agreement was not violated. Shri Dubey has also admitted that under the agreement the dependent of the employee died prior to 1-1-79 are not entitled to the benefit provided under the agreement No. II and only those dependent are entitled to avail the benefit in case the employees die after 1-1-79.

Mr. Dubey has also admitted that those who die prior to 1-1-79, their dependents were not entitled to the employment.

Sr. P. O. Shri P. K. Jain has categorically stated in para 8 of the affidavit that the provision for grant of employment to a dependent who dies while in service or who is rendered medically unfit for service was incorporated for the first time in the NCWA-II which came into force w.e.f. 1-1-79.

The statement paras 8 & 9 are reproduced below—

Para-8—That the provision for grant of employment to a dependent who dies while in service or who is rendered medically unfit for service was incorporated from the first time in the NCWA-II which came into force w.e.f. 1-1-79. Provision for employment to dependent was incorporated in the said agreement vide clause 10.4.1 of the agreement. In the instant case the cause of action for claiming of employment to dependent arose on 1-6-78 when Mohd. Israil expired. On that day there was no provision under the service rule. Regulation and condition of Mohd. Israil for grant of employment to dependent. Smt. Anna Bibi claimed employment only if there was any such provision. Smt. Anna Bibi has claimed appointment for her son. The application for appointment was made in the year 1991, claiming employment for her son. However, there was no justification for giving employment to the dependent. Even otherwise, Mohd. Israil did not die because of road accident arising during and in the course of employment. He died because of a road accident which had nothing to do with his employment. As such his dependent are not entitled to appointment on compassionate ground.

Para-9—Grant of employment to dependent is not a legal right of an individual. Employment to dependent is based on statutory rules, regulations or agreement if any in this regard. In the year 1978 when Shri Mohd. Israil expired there was no such condition, agreement or rule regarding employment of dependent. Benefit of a subsequent agreement that came into force same years after cause of action arose cannot be extended to reopen old cases. Cause of action for which arose to coming into force of the agreement.

The representative of management has argued that no employment to the dependent of the employees can be given who die prior to 1-1-79 since there were not rules

or law or agreement was available and taking into consideration the total facts and circumstances of the case, the claim of the widow of Md. Israil is totally unjustified and liable to be rejected.

The action of the management not acceding the request of Smt. Amna Bibi is justified and reference is liable to be answered accordingly. The claim made by the union on the ground that the management provide employment to the dependent of two employees who died prior to 1-1-79, and the union has filed various documents, but none of the document proved that alleged persons were given employment as dependent of the deceased. The union led evidence of Smt. Amna Bibi who is widow of Md. Israil and she has admitted that she has no personal knowledge in respect of those who have been provided employment.

The management representative has argued that even witness of the union Shri Anjani Kumar also does not support the case of the union.

Management representative has argued that the union has asked for production of certain documents by the management. Accordingly, the management produced the documents in respect of employee of those persons who alleged to have got employment as dependent to the late employees. The details of the documents produced by the management as demanded by the union is as follows :—

01. (A) Appointment of Smt. Dhannu Devi, W/o late L. Mahilangi, Banki Colliery, letter No. GM/KB/PM/Estb/Dependent/418-21 dated 13-01-1982.
- (B) Service Register of Smt. Dhannu Devi.
- (C) Service excerpts of Smt. Dhannu Devi (SEWA ABHILEKH)
02. (A) Appointment letter of Shri Sahatter Singh, S/o late Subran, Ex Timber Mistry BNK, Colliery, letter No. SECL : BSP : Per : MP : P : 493 dt. 23/24-7-90 : GM : KB : PM(L)CF- Appt. Dep./1534 dt. 01-08-90.
- (B) Form—"B" Register reference No. 3869.
03. (A) Appointment letter of Smt. Manki Devi Pandit, Banki Colliery, letter No. GM : KB : PM : Estb : Dependent/414-17 dt. 13-01-1982.
- (B) Service excerpts of Smt. Manki Devi (SEWA ABHILEKH).
04. (A) Appointment letter of Smt. Fuleshwar Devi W/o late K. C. Yadav, Banki Colliery, Letter No. GM : KB : PM : Estb. : Dependent/422-25 dt. 13-01-1982.

(B) Service Register of Smt. Manki Devi.

(C) Service excerpts of Smt. Manki Devi (SEWA ABHILEKH)

05. (A) Appointment letter of Smt. Shibani Devi, W/o late K. C. Ghosh, Banki Colliery. Letter No. GM : KB : PM : Estb. : Dependent/406-09 dt. 13-01-1982.

(B) Service Register of Smt. Shibani Ghosh.

(C) Service excerpts of Smt. Shibani Ghosh.

06. (A) Appointment letter of Smt. Kachan Bai, W/o late Kholbehra, Banki Colliery. Letter No. GM : KB : PM : Estb. : Dependent/410-13 dt. 13-01-1982.

(B) Service Register of Smt. Kanchan Bai.

(C) Service excerpts of Smt. Kanchan Bai (SEWA ABHILEKH)

None of those documents show that those persons were given employment as dependent.

Mr. A. K. Shashi, the representative of the management has also argued that the allegation of providing employment to the dependent/retired persons alleged in the statement of claim filed by the Union have been withdrawn/deleted by the union vide proceedings dated 5-5-98. Hence no such allegation now survive.

The management representative has also argued that assuming for the sake of argument, but not admitted even if few persons have been provided employment contrary to the provisions of NCWA such a mistake could not be considered as a precedent. The management should not be forced to continue to commit such mistake or to act contrary to the existing provisions. Everybody have a right to rectify the mistake.

The compassionate appointment cannot be claimed as a matter of right. The Hon'ble Supreme Court in various cases have held that compassionate appointment is granted to tide over the functional hardship of the family and it can be granted only if there is a specific provisions providing for the same. Passage of time itself is a determining fact which also entitled a persons claiming compassionate appointment. The very purpose for which it is incorporated is to give minimum relief to the family and therefore, if compassionate appointment is not provided immediately after death of the bread earner and if the family is not able to sustain for several years that itself indicative of the facts that the compassionate appointment is not required and the family can survive and sustain without the same. Grant of compassionate appointment being a specific and special provisions cannot be granted as a matter of right.

The management representative has relied on the following case laws.

- (1) 1993 A.I.R SC page 2276 Ratan Chandra Sammanta and ors. Vs. Union of India and ors.
- (2) 1996 ILLJ page 1127 UOI & ors. Vs. Bhagwan Singh.
- (3) 2000(1)L.L.N. page 691 Gagdeo Turi Vs. State of Bihar.

The management representative have argued that Md. Israil expired in 1978, whereas it is a year 2004—about 26 years have passed. The two elder sons of Smt. Amna Bibi already in employment and earning bread for family. But Smt. Amna Bibi herself wanted to say that nobody helped to her son. The agreement between the management and the employees does not permit offering of employment to dependent of deceased Md. Israil who died before 1-1-1979 in the road accident. The representative of management has ascertained that she is well settled that mere death of an employee does not entitle his family to compassionate appointment and it is for the authorities to consider whether the family of the deceased is unable to meet the financial crises. It is equally well settled that the right to get appointment on compassionate ground lapses after expiry of the reasonable period. The management representative has argued that 26 years have passed and as such the dependent of Mohd. Israil are not entitled to get employment on compassionate ground. Considering the totality of the fact and circumstances of the case and the legal provisions, representative of management has argued that claim made by the union cannot be granted. He has also pointed out that the industry has to maintain itself and for that manpower has to be done keeping in view the requirement of the Industry. Coal Industry is a vital industry engaged in an important national building activity. The coal industry is facing surplus manpower. Under this administrative constraints also the management would not be in a position to grant compassionate appointment to such employee who are not regular employees who died prior to 1-1-79.

I have considered the evidences on record and argument forwarded by the representative of the management and I am in opinion that there is no rules, laws, agreement, standing orders which have been shown entitlement of appointment of deceased of dependent who died prior to 1-1-79 for claiming of employment on compassionate ground 26 years have already lapsed so management cannot be compelled for providing employment on compassionate ground to the dependent of Late Md. Israil. The Union representative Shri Ramvilas Sobhnath has also placed his statement to withdraw the claim and close the case. Therefore I conclude that SAM SECL has not acted illegally for not providing

employment to the dependent of Md. Israil. The issue, referred is therefore decided in affirmative.

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 8 जून, 2004

का. आ. 1605.—औद्योगिक विवाद आधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. सी. सी. एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद (संदर्भ संख्या 259/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-6-2004 को प्राप्त हुआ था।

[सं. एल.-22012/134/99-आई. आर. (सी एम-II)]
एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 8th June, 2004

S.O. 1605.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 259/2002 of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of Singareni Collieries Company Limited and their workmen, received by the Central Government on 08-06-2004.

[No. L-22012/134/99-IR(CM-II)]
N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT :

Shri E. Ismail, B.Sc., L.L.B., Presiding Officer

Dated the 31st day of March, 2004

INDUSTRIAL DISPUTE NO. 259/2002

BETWEEN :

Sri P. Vedachalam,
D. 144. Near Welfare Centre,
Post-Redrampur,
Distt. Khammam-507119. ... Petitioner

AND

The General Manager (Per.),
M/s. Singareni Collieries Co. Ltd.,
Kothagudem-507101. ... Respondent

APPEARANCES :

For the Petitioner : M/s. S. Ravindranath, C. Bharati Reddy & C.H.V. Satyanarayana Murthy, Advocates

For the Respondent : M/s. K. Srinivasa Murthy, V. Umadevi & C. Vijaya Shekar Reddy, Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/134/1999-IR (CM. II) dated the 23-7-2002 referred the following dispute under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the employers in relation to the Management of M/s. Singareni Collieries Co. Ltd., and their workman.

SCHEDULE

“Whether the action of the Management of M/s. Singareni Collieries Co. Ltd., Kothagudem in dismissing Sri P. Vedachalam, Ex. Stenographer, O/o Addl. Chief F & A Kothagudem is legal and justified ? If not, to what relief the workman is entitled to ?”

This reference was registered as Industrial Dispute No. 259/2002 and notices were issued to the parties.

2. The brief facts as stated in the claim statement are : That the Petitioner was initially appointed as Steno/Typist (Grade “C”) in M/s. Singareni Collieries Co. Ltd., at Kothagudem on 4-2-83 on a monthly salary of Rs. 700 p.m. He was promoted as Stenographer (Grade “D”) in the year 1985. The Petitioner rendered 15 years of service till he was dismissed on 8-5-98. During the service he received meritorious and appreciation certificates from his higher officers in the year 1993 and 1994.

3. That he applied leave for a period of 3 days on 7-10-96 for treatment of Hepatitis-B at Chennai and also obtained permission to leave the Headquarters. The Petitioner further extended his leave upto 9-7-98 vide leave applications dt. 5-10-96, 10-12-96, 8-3-97, 7-6-97, 5-8-97 and 6-11-97. When the matter stood thus, the Respondent gave a paper publication on 15-12-97 addressed to the Petitioner heading as charge sheet and enquiry notice. The said paper publication was also brought to the notice of the Petitioner by his friend. As the Petitioner was still under the said treatment. The Petitioner made a representation dated 17-12-97 detailing his problems. Ultimately he approached the Respondents to join duty on 5-5-98. After completion of treatment by producing the medical cum fitness certificate dated 3-5-98 given by Dr. T. Manivel, MD. The Respondent without giving permission to join duty asked him to wait

for two days. On 8-5-98 to his shock and surprise issued dismissal order w.e.f. 8-5-98 duly signed by the 2nd Respondent.

4. The Petitioner submits the whole transaction in issuing dismissal order is ex-facie, illegal, arbitrary and null and void. It is submitted the Respondents have not followed the procedure to give such a grave punishments. They have not given any opportunity to defend his case. Even after submitting his reply against the charge-sheet. They have not considered his meritorious service of 15 years. Hence, the dismissal order dated 8-5-98 may be set aside and direct the Respondent to reinstate the Petitioner on full back wages, continuity of service and other attendant benefits.

5. A counter was filed. That the Petitioner was appointed as clerk Grade II (Gr. 'D') on temporary basis and he was regularised w.e.f. 18-8-93. He had applied for 3 days leave on loss of pay from 7-10-96 to 9-10-96 and left the Headquarters. In spite of returning for duty on 10-10-96 and for about 11 months he neither sent an intimation nor sought for extension of leave. Accordingly, a charge-sheet was sent to his local address and permanent address and that the same was returned undelivered. Hence, it was published in the 'The Hindu' English daily newspaper, Madras edition and also in Andhra Jyothi, Telugu daily newspaper, Vijayawada edition dated 15-12-97 advising him to attend for an enquiry. But he did not give any representation nor attended the enquiry as such in the proceedings of the enquiry, as such the enquiry proceedings were held ex-parte. The Petitioner was issued with a letter to submit his representation if any on the findings of the Enquiry Report. But both the letters were returned undelivered. The Petitioner was given one more opportunity by publishing a paper notification in English daily newspaper "The Hindu", Madras edition dated 11-4-98 and Telugu daily newspaper "Vaartha" Warangal edition dated 9-4-98 advising him to collect Enquiry Report. Even after providing all opportunities, he did not represent within the stipulated period. Hence, he was dismissed from services vide order dated 8-5-98. He made an appeal which was dismissed. The Hon'ble Supreme Court has held in 1996(1) SCC page 302 wherein their Lordships held that, "...Having noticed the fact that the first Respondent has absented himself from duty without leave on several occasions, we are unable to appreciate the High Court's observations that 'His absence from duty would not amount to such a grave charge'. That he was later promoted as Stenographer, Gr. 'B' with effect from 1-10-90. The enquiry was properly conducted. That the Petitioner has submitted an application dated 3-4-2000 to the Management and he was interviewed for underground work. But as per the medical report he was found unfit due to Hypertension and Hepitytis-B-Surface Antigen. As such he could not be given the new post. Hence, he is not entitled for any relief.

6. No witnesses were examined. The Learned Counsel for the Petitioner did not file a memo but indirectly by arguing on merits he is presumed to have conceded that the domestic enquiry is validly conducted.

7. It is argued by the Learned Counsel for the Petitioner that the meritorious service certificate was issued to him and it is not as if anybody stays out of pleasure from duty but due to reasons beyond control. He submits that Hepitytis-B is a deadly disease and the Management ought to have considered that he took the leave on that ground and treatment of Hepitytis-B is not possible within three days. In the counter itself they have admitted that the Petitioner is suffering from Hypertension and Hepitytis-B Surface Antigen. Therefore, he could not be appointed in underground work itself goes to show that the contention of the Petitioner that he was suffering from Hepitytis-B is correct. Therefore he may be reinstated with back wages.

8. The Learned Counsel for the Respondent submits that it is high time that Courts do not take a lenient view of such persons who absent themselves for number of years and it has been held in several cases that absenteeism by employees erodes the very potentiality, credibility and productivity of any company or organization. This is a malaise which if remains unchecked, turns disastrous for the organization. Here he has been absent without intimating at all and therefore, he does not deserve any sympathy and the order of dismissal may be confirmed.

9. It may be seen that the Petitioner has put in service from 4-2-83 till 6-10-96 and afterwards he is continuously absent and ultimately he was dismissed on 8-5-98. It is admitted in the counter that in view of the very understanding where it seems Ex. workman were interviewed by the high power committee and the Petitioner was also selected for reappointment as badli filler and he was considered and it was found that he was medically unfit due to Hypertension and Hepitytis-B-Surface Antigen. So taking that into consideration he could have been given the surface job. Accordingly, I am of the opinion that he should be given surface job within 30 days from the publication of this Award and if he is not provided with surface job within 30 days from the publication of this Award he will be entitled for Pay for surface job after 30 days from the publication of this Award and the reference is answered accordingly : "that the action of the Management of M/s. Singareni Collieries Co. Ltd. in dismissing Sri P. Vedachalam, Ex. Stenographer, O/o Addl. Chief F&A, Kothagudem is not justified, hence he may be appointed in surface job. However, his services from 4-2-83 to 6-10-96 shall be considered for his terminal benefits". During the arguments it was submitted that he still continues to reside

in the company quarters and instead of Rs. 30 p.m. rent he is asked to pay Rs. 1500 per month which I am afraid cannot be decided upon as there is no reference on that aspect. However, as the Company is taking him back as per the Award, it may consider reduction of the rent to a reasonable amount.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 31st day of March, 2004.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner :	Witnesses examined for the Respondent :
--------------------------------------------	--------------------------------------------

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 9 जून, 2004

का. आ. 1606.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. सी. सी. एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद (संदर्भ संख्या एल. सी. आई. डी. सं. 133/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-6-2004 को प्राप्त हुआ था।

[सं. एल.-22013/1/2004-आई. आर. (सी-II)]
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 9th June, 2004

S.O. 1606.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. L.C.I.D. No. 133/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SCCL and their workmen, which was received by the Central Government on 09-06-2004.

[No. L-22013/1/2004-IR(C-II)]
N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT :

Shri E. Ismail, B.Sc., LL.B., Presiding Officer

Dated the 31st day of March, 2004

INDUSTRIAL DISPUTE LCID NO. 133/2003

BETWEEN :

Sri Eda Chakrapani,
S/o Rajam,
R/o B-46, Ex-servicemen Colony,
Fertilizer City,
Ramagundam-505210 ... Petitioner

AND

The General Manager,
M/s. Singareni Collieries Co. Ltd.,
Mandamarri Area, Kalyani Khani,
PO : Bellampally,
Adilabad Distt. ... Respondent

APPEARANCES :

For the Petitioner : M/s. A. K. Jayaprakash Rao,
K. Srinivas Rao, P. Sudha, T. Bal
Reddy, M. Govind, N. Sanjay &
K. Ajay Kumar, Advocates

For the Respondent : M/s. K. Srinivasa Murthy, V.
Umadevi, C. Vijaya Shēkar
Reddy & B. S. L. Vani, Advocates

AWARD

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts of the petition are : That the Petitioner joined the services of the Respondent Company on 31-1-1991 as temporary tunnel mazdoor under compassionate appointment consequent to the death of his father and thereafter he was appointed as Badli Filler in 1993 and in the year 1995 he was promoted as coal filler. The Petitioner submits that ever since the date of joining the service, he has put in unblemished record of service.

3. While he was working under the control of Colliery Manager, Kasipet Mine, he was issued with charge-sheet dated 4-5-2000, alleging that the Petitioner was habitual late attendance and absented for duties. The

Petitioner submits that he has submitted the explanation. Although he was suffering with Jaundice, he was forced to remain absent from duties. On that an enquiry was conducted and he was made to sign on the papers without knowing the contents. Hence, the Petitioner may be reinstated and the removal order dated 21-4-2001 w.e.f. 28-4-2001 may be set aside and he may be reinstated with back wages.

4. A counter was filed. That he was habitually coming late and he was issued with charge sheet on

4-5-2000 alleging habitual late attendance and absence from duty is correct. His contention that he was suffering from Jaundice is not correct. That the enquiry was properly conducted. The Petitioner was given full opportunity and the enquiry was conducted properly. In fact the Petitioner has submitted his representation dated 16-12-2000 assuring that he would put in 22 filling clusters every month. He was given 3 months to improve his attendance and performance which was as follows :

Month & Year	No. of days Mine worked	No. of days worker worked on		Tubs filled	Leaves	Absence
		Filling	Acting			
January, 2001	26	03	14	5½	—	09
February, 2001	24	02	09	2½	09	04
March, 2001	26	07	03	11	06	10
Total	76	12	26	19	15	23

Therefore, he deserves no sympathy and the absenteeism may not be condoned.

5. This Court by an order dated 12-11-2003 held that the domestic enquiry is validly conducted. Hence, arguments were heard under Sec. 11A.

6. It is argued by the Learned Counsel for the Petitioner that he has put in after those three months were given, he has worked for 38 days and it is a compassionate appointment. Hence, he may be reinstated with back wages.

7. It is argued by the Learned Counsel for the Respondent that such chronic absentees that having given undertaking to work for 22 musters in a month, instead of 66 musters he has put in 38 musters. Hence, such chronic absentees need not be shown any sympathy and he is not entitled for any relief.

8. It may be seen that whenever compassionate appointment is given people think that it is a matter of right and are careless about duties. The said fact is clear that even after having been given a chance of three months in January to March, 2001 he has attended only 26 musters that is, 40 musters less. Then company had been very lenient and given him counseling and further three months time. Yet, he has not mend himself. Anyway, I am of the opinion that as it is a compassionate appointment one more chance on strict conditions can be given. He shall be employed on the starting pay of coal filler within 30 days

from the publication of this award failing which he will be entitled for the starting pay of coal filler after 30 days of the publication of this award. However, his past services from 1991 shall not be taken for consideration for any purpose including retirement benefits (He is only about 32 years). He is not entitled for any back wages and further he should not be confirmed before three years and unless he puts in minimum musters for three consecutive years of course, subject to unavoidable circumstances like real illness, etc.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 31st day of March, 2004.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner : Witnesses examined for the Respondent :

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 9 जून, 2004

AWARD

का. आ. 1607.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एच. ए. एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद (संदर्भ संख्या एल. सी. आई. डी. 149/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-6-2004 को प्राप्त हुआ था।

[सं. एल.-22013/1/2004-आई. आर. (सी-11)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 9th June, 2004

S.O. 1607.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. L.C.I.D. No. 149/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of HAL and their workman, which was received by the Central Government on 9-06-2004.

[No. L-22013/1/2004-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT AT HYDERABAD**

Present : SHRI E. ISMAIL, B.Sc., LL.B.,
Presiding Officer

Dated the 31st day of March, 2004

INDUSTRIAL DISPUTE L.C.I.D. No. 149/2003

(Old I.D. No. 153/99 transferred from Addl. Industrial
Tribunal-cum-Addl. Labour Court, Hyderabad)

BETWEEN :

Sri Maqsood Ali,
S/o Mir Hassan Ali,
R/o 8-3-228/1234/11,
Rahamat Nagar, Hyderabad.

AND

The General Manager,
Hindustan Aeronautics Ltd.,
Hyderabad Division,
Balanagar, Hyderabad-42.

APPEARANCES :

For the Petitioner : Sri K. Laxman, Advocate

For the Respondent : M/s K. Srinivasa Murthy,
C. Vijaya Shekar Reddy &
V. Umadevi, Advocates.

This is a case taken under Sec. 2A (2) of the I.D. Act, 1947 by the Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others and transferred to this Court in view of the Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR(C-II) dated 18-10-2001 bearing I.D. No. 153/99 and renumbered in this Court as L.C.I.D. No. 149/2003.

2. That he joined with the Respondent as senior helper on 2-9-67. Since then, he has been discharging his duties regularly. The Petitioner is having unblemished record of service and due to some personal problems wanted to retire voluntarily and accordingly he applied for voluntary retirement scheme on 20-10-95. It was accepted by the Respondent and the competent authority has permitted the Petitioner to retire voluntarily. It was also intimated that his application is accepted. Accordingly, he addressed a letter dated 30-6-96 intimating the date of relief from service on 30-7-96. The Petitioner also submitted clearance dated 11-7-96 which was accepted by the Respondent Management. They have forwarded the Petitioner's name to NISIET, Yousufguda, Hyderabad under National Renewal Fund for the benefit scheme. The Petitioner successfully completed the said training. The documents of the NISIET are herewith filed as material paper. The NISIET authorities have also issued certificate to the Petitioner on successful completion of the training. The Petitioner has been relieved on 31-7-96. The Petitioner submitted clearance certificate and also completed all formalities. The Petitioner also applied for three months leave on medical grounds. The Management did not pay the retirement benefits to the Petitioner. He was not paid VRS benefits at all. When the matter stood thus in order to evade the VRS benefit to the Petitioner the Respondent Management came up with a false allegation that the Petitioner was absent from duty without application of leave and sanction of the same. They have also issued the termination order dated 10-6-97. In the said termination order the Respondent Management referred the charge memo, notice of the enquiry, findings of the Enquiry Officer, show cause notice. He has not received any charge memo, enquiry notice etc. No charge sheet was served to him. They did not furnish a scrap of the enquiry which is against the principles of natural justice. Hence, he may be reinstated with continuity of service, back wages and all other attendant benefits.

3. The Management filed a counter stating that he was appointed in 1967 and terminated on 15-10-68 and after again he was taken back on 1-11-68 and again was

discharged on 1-11-71 for his habitual absence he was reinstated on 29-6-77. He is a habitual absentee.

4. He applied for voluntary retirement and before he could be permitted to avail the voluntary retirement scheme, he was again absent on the ground that he was ill. He was advised to report to Medical Officer of the Company, on the other hand he sent a leave letter requesting for three months leave. At that time disciplinary proceedings were pending and he was punished by reducing his basic pay to the minimum of the scale of pay and for another misconduct he was warned on 10-12-95. Management has forwarded his application to its corporate office to take action. In view of his disciplinary action against him was pending his request for voluntary retirement was kept in abeyance. The company did not forward the Petitioner's name to any institute for any programme. Due to unauthorized absence his application for voluntary retirement scheme was not processed and all the letters which are being sent to him were returned unserved and the Management was constrained to have them published in 'Deccan Chronicle' and 'Siasat' on 20-5-97 and in spite of the paper publication the Petitioner did not turn up. Management has no other alternative but to conduct enquiry as he did not take part in the proceedings. The Management understands and believes the same to be true that he had gone abroad during the period of his absence, probably to seek employment. Hence, the Petitioner may be dismissed.

5. On 1-8-2001 the previous Court, i.e., the Hon'ble Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad held that the enquiry is invalid. Accordingly, MW1 was examined. Sri Mathews John, Assistant Personnel Officer, deposed the facts stated in the counter and marked exhibits M1 to M17. In the cross examination he deposed that W1 is the no dues clearance form. Ex. W2 is voluntary retirement scheme application proforma contains appendix A & B. The witness admitted that his voluntary retirement scheme application was not rejected and but even after sending an acceptance letter for voluntary retirement scheme, the Petitioner failed to fulfil the procedures and obligations for completing the VRS before 31-7-96 i.e., the last date of the operation of voluntary retirement scheme. That he has not filed any document to show that the Petitioner has to complete the voluntary retirement scheme procedure by 31-7-96. That they have not mentioned in Ex. M6 and M8 notices of enquiry that his application for voluntary retirement scheme is not considered for the reason that he has not completed the formalities by 31-7-96.

6. The Petitioner examined himself as WW1 and deposed the facts stated in the petition. He was cross-examined. He deposed that he has not given explanation to the charge sheet because he has not received the charge

sheet. He denied that he is deposing falsely. That he has submitted all clearances within time i.e., 31-7-96.

7. It is argued by the Learned Counsel for the Petitioner that it is a pathetic case where even the enquiry has been held invalid by the Hon'ble Court. He had applied for voluntary retirement and instead of giving him voluntary retirement he was dismissed holding an enquiry and even the evidence of MW1 does not prove anything. Actually the charges should have been proved. It is as if the enquiry should be conducted de novo before the Hon'ble Court. Nothing is done so. He is entitled for reinstatement with back wages.

8. It is argued by the Learned Counsel for the Respondent that the Petitioner is a habitual absentee. He has been imposed punishment. Number of disciplinary proceedings were conducted against him and the punishment of dismissal is just and valid. Hence, no relief may be given to him.

9. It may be seen that here is a case where the charges against the Petitioner were not proved to the satisfaction of this Court. However, seeing his conduct of absenteeism and the publications in the various news papers, perhaps and also seeing the previous record where he was already removed once and again reinstated with all benefits and previous record is sufficient if he is directed to be reinstated. Hence, it is hereby ordered that the dismissal order dated 10-6-97 is hereby set aside and the Petitioner is directed to be reinstated on his last drawn wages (Present pay applicable to that post) within 30 days from the publication of this Award failing which he will be entitled to wages with 12% p.a. after 30 days of publication of this Award. His past services till 10-6-97 shall be taken into account for calculation of his terminal benefits.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 31st day of March, 2004.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW1 : Sri Maqsood Ali	MW1 : Sri Mathews John

Documents marked for the Petitioner

Ex. W1 : Copy of relieving order of WW1 No. HAL/HD/0802/E/PD dt. 11-7-96

Ex. W2 : Copy of proforma of application for VRS given by WW1

Ex. W3 : Copy of Lt. NO. HAL/HD/0802/E/PD/846 dt. 13-6-96

- Ex. W4 : Copy of legal notice dt. 14-3-96
 Ex. W5 : Speed post acknowledgement for Ex. W4
 Ex. W6 : Copy of clearance certificate dt. 19-6-97
 Ex. W7 : Copy of leave application dt. 27-10-95
 Ex. W8 : Copy of acceptance for voluntary retirement by WW1 dt. 30-6-96
 Ex. W9 : Certificate from Sarojini Devi Eye Hospital dt. 20-12-93
 Ex. W10 : Copy of letter by Dr. M.S. Raju referring WW1's case for specialized opinion dt. 27-10-95
 Ex. W11 : Copy of list of employees who availed VRS & Relieved
 Ex. W12 : Copy of Ir. NO.IM/NRF/NVS/98/HAL/4 dt. 5-2-98 by 'nisiet'
 Ex. W13 : Certificate of 'nisiet' given to WW1.

Documents marked for the Respondent

- Ex. M1 : Copy of past record of WW1
 Ex. M2 : Copy of Ir. No. HAL/HD/0802/PD dt. 22-9-95
 Ex. M3 : Copy of Ir. No. HAL/HD/0802/PD dt. 29-11-95
 Ex. M4 : Copy of memo No. HAL/HD/0802/E/PD dt. 18-4-96
 Ex. M5 : Copy of charge memo No. HAL/HD/0802/E/PD dt. 26-5-96
 Ex. M6 : Copy of notice of enquiry dt. 16-1-97
 Ex. M7 : Copy of notice of enquiry dt. 28-1-97
 Ex. M8 : Copy of notice of enquiry dt. 21-2-97
 Ex. M9 : Enquiry report dt. 6-3-97
 Ex. M10 : Copy of show cause notice dt. 20-3-97
 Ex. M11 : Cutting of daily Newspaper "Siyasat"
 Ex. M12 : Cutting of daily Newspaper "Deccan Chronicle"
 Ex. M13 : Copy of order No. HAL/HD/0802/LC dt. 10-6-97
 Ex. M14 : Copy of Ir. No. HAL/HD/0802/E/PD dt. 13-6-96
 Ex. M15 : Standing Orders of HAL, Hyderagbad division
 Ex. M16 : Copy of Ir. from Dy. Medical Supdt., J. N. Medical College Hospital, Aligarh dt. 22-8-98
 Ex. M17 : Copy of Ir. reg. Loss of lien on appointment of WW1 dt. 8-1-99

नई दिल्ली, 14 जून, 2004

का. आ. 1608.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. राज. स्टेट मि. ड. कॉर्पो. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, जोधपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-05-2004 को प्राप्त हुआ था।

[सं. एल.-29012/98/2000-आई. आर. (एम)]
 बी. एम. डेविड, अवर सचिव

New Delhi, the 14th June, 2004

S.O. 1608.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Jodhpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. RSMDC Ltd. and their workman, which was received by the Central Government on 18-05-04.

[No. L-29012/98/2000-IR(M)]
 B.M. DAVID, Under Secy.

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय
 जोधपुर

पीठासीन अधिकारी :—श्रीमती निशा गुप्ता, आर. एच. जे. एस.

औ. वि. (केन्द्रीय) सं. :—08/2002

श्रीमती खेरी पत्नी श्री रतनाराम जी निवासी सोनू जिला जैसलमेर
 —प्रार्थी

बनाम

रजस्थान स्टेट माईन्स एण्ड मिनरल्स लिमिटेड (आर. एस. एस. एम. लि.)
 —अप्रार्थी

उपस्थिति :—

- (1) प्रार्थी प्रतिनिधि श्री एल. डी. खत्री उप.
- (2) अप्रार्थी प्रतिनिधि श्री खेमराम चौधरी उप.

अधिनिर्णय

दिनांक 27-1-2004

श्रम मंत्रालय भारत सरकार नई दिल्ली ने अपनी अधिसूचना क्रमांक एल. 29012/98/2000 दिनांक 8-1-2001 से निम्न विवाद वास्ते अधिनिर्णय इस न्यायालय को प्रेषित किया है :—

"Whether the termination of services of Smt. Kheri W/o Ratnaram, Ex. Sahayak Karamchari by the management of R.S.M.D.C.Ltd. Jaipur by way of Voluntary Retirement Scheme w.e.f. 31-3-98 is legal and justified ? If not, to what relief is workman concerned entitled ?"

प्रार्थीया ने अपना माँग-पत्र प्रस्तुत करते हुए अभिकथित किया कि प्रार्थीया को अप्रार्थी ने अपने अधीन आर. एन. डब्लू. के पद पर आज से करीब 10 वर्ष पूर्व अस्थायी तौर पर नियुक्ति दी तथा सोनू लाईम स्टोन प्रोजेक्ट पर कार्य करने हेतु निर्देशित किया, प्रार्थीया के कार्य से सन्तुष्ट होकर 12-1-93 को आर. एम. डब्लू. के पद पर 1-10-92 से नियमित कर दिया। अप्रार्थी के अधीनस्थ अधिकारियों ने प्रार्थीया जो कि अनपढ़ है, को गुमराह करते हुए उससे स्वैच्छिक सेवानिवृत्ति योजना के अन्तर्गत प्रार्थना-पत्र माँगे जिस पर प्रार्थीया ने भी अपना प्रार्थना-पत्र 12-1-97 को सशर्त पेश किया जिसमें प्रार्थीया ने 30-4-97 को विभिन्न शर्तों पर स्वयं को सेवानिवृत्त करने हेतु प्रार्थना की। अप्रार्थी द्वारा प्रार्थीया को स्वैच्छिक सेवानिवृत्ति योजना के नाम पर प्रार्थना-पत्र लेकर उन प्रार्थना-पत्रों को त्याग-पत्र मानते हुए मनमाने ढंग से प्रार्थीया को नौकरी से निकाल दिया, अनपढ़ कर्मचारियों को गुमराह कर खाली पन्नों पर हस्ताक्षर करवा लिये जो अनफेयर लेबर प्रेटिक्स की तारीफ में आता है, प्रार्थीयों की सेवामुक्ति औद्योगिक विवाद अधिनियम के प्रावधानों के प्रतिकूल होने से प्रार्थीया पुनः सेवा में लिये जाने की अधिकारी है। प्रार्थीया को सेवामुक्त करने के पश्चात् भी विपक्षी ने अन्य नये व्यक्तियों को नियुक्ति दी है लेकिन प्रार्थीया द्वारा बार-बार प्रार्थना करने पर भी उसे आज तक नौकरी नहीं दी गई अतः अप्रार्थी का कृत्य धारा 25-जी व एच और वि. अधिनियम की अवहेलना है, प्रार्थीया आज भी बेरोजगार है। अन्त में निवेदन किया कि प्रार्थीया की सेवामुक्ति को अवैध घोषित किया जाकर प्रार्थी को पुनः सेवा में लेने का आदेश पारित किया जावे तथा नियमित सेवा में मानते हुए विभिन्न सेवा लाभ दिलाये जावें।

अप्रार्थी की ओर से जवाब प्रस्तुत करते हुए कहा गया कि प्रार्थीया को निगम में दैनिक मजदूर के रूप में रखा था जिसे बाद में नियमित किया गया था, अप्रार्थी द्वारा स्वैच्छिक सेवानिवृत्ति योजना जारी की गई जिसके लाभ व हानि को भली-भाँति समझकर बिना किसी दबाव व बिना किसी षड्यंत्र के गवाहों के दस्तखत करवाने के बाद प्रार्थीया ने अपना प्रार्थना-पत्र 24-12-97 को प्रस्तुत कर स्वैच्छिक सेवानिवृत्ति चाही थी जिसे अप्रार्थी द्वारा मंजूर कर प्रार्थीया को 31-3-98 को सेवामुक्त किया गया, प्रार्थीया ने स्वैच्छिक सेवानिवृत्ति योजना के तहत नियमानुसार मिलने वाले समस्त लाभ व रकम प्राप्त कर ली, अब प्रार्थीया का अप्रार्थी में कुछ भी बकाया नहीं है। प्रार्थीया ने स्वैच्छिक सेवानिवृत्ति आदेश पारित होने से पूर्व स्वैच्छिक सेवानिवृत्ति आवेदन पत्र को वापस लेने हेतु कोई प्रार्थना-पत्र नहीं दिया, प्रार्थीया का प्रार्थना-पत्र स्वीकार करने में कानूनी व संवैधानिक व किसी भी नियम की अवहेलना नहीं की गई इस कारण प्रार्थीया पुनः सेवा में स्थापित होने की हकदार नहीं है। अप्रार्थी द्वारा किसी भी कर्मचारी को गुमराह नहीं किया न ही खाली पन्नों पर हस्ताक्षर करवाये, स्वैच्छिक सेवानिवृत्ति आदेश पारित करना अनफेयर लेबर प्रेटिक्स की तारीफ में नहीं आता है, अप्रार्थी द्वारा धारा 25-जी व 25-एच के प्रावधानों का उल्लंघन नहीं किया। अन्त में निवेदन किया कि प्रार्थीया का माँग-पत्र सव्यय खारिज किया जावे।

प्रार्थीया ने माँग-पत्र के समर्थन में स्वयं का शपथ-पत्र प्रस्तुत किया जिस पर अप्रार्थी प्रतिनिधि द्वारा जिरह की गई तथा अप्रार्थी की

ओर से त्रिभुवन राय ठाकुर का शपथ-पत्र प्रस्तुत किया गया जिसपर प्रार्थी प्रतिनिधि द्वारा जिरह की गई। दोनों पक्षों की ओर से विभिन्न दस्तावेजात की फोटो स्टेट प्रतियाँ पेश की गई।

दोनों पक्षों के प्रतिनिधिगण की बहस सुनी, पत्रावली का अवलोकन किया।

प्रार्थीनी द्वारा यह कहा गया है कि उसने विपक्षी के अधीन लगातार सेवा दी, उसने स्वैच्छिक सेवानिवृत्ति का प्रार्थना-पत्र दिया परन्तु वह सशर्त था, शर्तों की पालना न करते हुए उसे सेवा से पृथक् कर दिया जो कि त्रुटिपूर्ण है।

विपक्षी द्वारा यह कहा गया कि प्रार्थीनी ने सेवानिवृत्ति का प्रार्थना-पत्र स्वेच्छा से दिया था जिसे स्वीकार किया जाकर उसे सेवामुक्त किया जा चुका है उसने राशि प्राप्त कर ली है और अब कोई आपत्ति उसकी पोषणीय नहीं है।

स्वयं प्रार्थीनी द्वारा अपनी प्रतिपरीक्षा में यह कथन किया है कि उसने अर्जी नहीं दी थी, पैसे उसे 80,000 रुपये मिले थे, चैक उसे मिले थे। विपक्षी की ओर से त्रिभुवन राय ठाकुर विधि सहायक पेश हुए हैं। स्वयं प्रार्थीनी की ओर से 24-12-97 का स्वेच्छा से सेवानिवृत्ति प्रार्थना-पत्र पत्रावली पर प्रस्तुत किया गया है। प्रार्थीनी का माँग-पत्र में यह भी कथन है कि उसने त्याग-पत्र वापस लेने का प्रार्थना-पत्र दिया था, प्रार्थीनी को 31-3-98 को ही कार्यभार मुक्त किया जा चुका था और उसका त्याग-पत्र स्वीकार कर लिया गया था, उसके पश्चात् 13-4-98 को दिये गये प्रार्थना-पत्र का कोई महत्व नहीं रह जाता।

प्रार्थीनी का यह कथन है कि प्रार्थना-पत्र में वर्णित उसकी शर्तें पूरी नहीं की गई परन्तु यह स्पष्ट है कि सेवानिवृत्ति के लिए विशिष्ट स्कीम बनाई गई थी और उस स्कीम के अन्तर्गत ही प्रार्थीनी द्वारा प्रार्थना-पत्र दिया गया था ऐसी स्थिति में शर्तें पूरी न होने का कथन पूरी तरह आधारहीन है और जब प्रार्थीनी की शर्तें पूरी नहीं हुई थी तो उसे अपना त्याग-पत्र वापस ले लेना चाहिए था अथवा वह सेवानिवृत्ति के फलस्वरूप मिलने वाले परिलाभ प्राप्त करने से इन्कार कर सकती थी परन्तु प्रार्थीनी की ओर से ऐसा कृत्य नहीं किया गया। ऐसी स्थिति में प्रार्थीनी का यह तर्क कि शर्तें पूरी नहीं हुयी हैं, आधारहीन है।

इस प्रकार जब स्वयं प्रार्थीनी ने स्वैच्छिक सेवानिवृत्ति का प्रार्थना-पत्र दिया था, इसी के अनुसरण में प्रार्थीनी को सेवामुक्त किया गया है ऐसी स्थिति में प्रार्थीनी अब इस पर कोई आपत्ति करने से बाधित है। ऐसी स्थिति में जब स्वयं प्रार्थीनी ने सेवानिवृत्ति हेतु प्रार्थना-पत्र दिया जिसे विपक्षी द्वारा स्वीकार किया गया है और उसके अनुसरण में प्रार्थीनी ने सेवानिवृत्ति के परिलाभ प्राप्त कर लिये हैं तो अब वह इस पर कोई आपत्ति नहीं कर सकती, इस संबंध में विपक्षी की ओर से एस. बी. सिविल रिट पिटीशन नम्बर 3650/98 अम्बावा बनाम आर. एस. एम. डी. सी. का निर्णय पेश किया जिसमें स्पष्ट किया गया है कि जहाँ प्रार्थीनी ने सेवानिवृत्ति के सम्बन्ध में परिलाभों को प्राप्त कर लिया है तो वह सेवानिवृत्ति के आदेश को चुनौती नहीं दे सकती। इस प्रकार प्रार्थीनी के प्रार्थना-पत्र के आधार पर सेवानिवृत्ति स्कीम के अन्तर्गत प्रार्थीनी को सेवानिवृत्त करना किसी प्रकार अनुचित और अवैध नहीं है।

प्राथीनी का यह कथन है कि वह निर्धारित योग्यता नहीं रखती थी और इस कारण उसकी सेवानिवृत्ति नहीं हो सकती, परन्तु यह तर्क मान्य नहीं है, जिन व्यक्तियों की दस वर्ष की सेवा पूर्ण नहीं हुई उन पर भी स्कीम को लागू किया गया है, इस स्थिति में प्राथीनी निर्धारित योग्यता नहीं रखती हो ऐसी स्थिति नहीं है और अब स्वयं प्राथीनी ने स्वेच्छा से सेवानिवृत्ति हेतु प्रार्थना-पत्र प्रस्तुत किया तो उसका यह कहना कि वह निर्धारित योग्यता नहीं रखती, पूरी तरह महत्वहीन हो जाता है।

अतः प्राथीनी की सेवानिवृत्ति उचित और वैध है और प्राथीनी को अनुतोष पाने की अधिकारी नहीं है।

अधिनिर्णय

अतः यह अधिनिर्णित किया जाता है कि राजस्थान स्टेट माईन्स एण्ड मिनरल्स लिमिटेड द्वारा श्रोमती खैरी पत्नी श्री स्तनाराम को उसके प्रार्थना-पत्र के आधार पर सेवानिवृत्ति स्कीम के अन्तर्गत सेवानिवृत्त करना किसी भी प्रकार अनुचित और अवैध नहीं है। अतः प्राथीनी अप्राथी से कोई अनुतोष प्राप्त करने की अधिकारिणी नहीं है।

निशा गुप्ता, न्यायाधीश

नई दिल्ली, 14 जून, 2004

का. आ. 1609.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) के धारा 17 के अनुसरण में केन्द्रीय सरकार में, राज. स्टेट. मि. ड. कार्पो. लि. के प्रबंधकों के संगत परोक्षता और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवादों में एक न्यायालय, जोधपुर के पंचाट को प्रकाशित करती है, जो किन्द्रीय सरकार को 18-05-2004 को प्राप्त हुआ था।

[स. एल.-29012/63/2000-आई. आर. (एम.)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 14th June, 2004

S.O. 1609.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Jodhpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. RSMDC Ltd. and their workman, which was received by the Central Government on 18-05-04.

[No. L-29012/63/2000-IR(M)]

B. M. DAVID, Under Secy.

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय,

जोधपुर

पीठासीन अधिकारी :—श्रीमते निशा गुप्ता, आर. एच. जे. एस.

औ. वि. सं. (केन्द्रीय) सं. :—21/2001

छमराम पुत्र श्री भगाराम जाति मेघवाल निवासी कीचड़ी जिला जैसलमेर ।

—प्राथी

बनाम

राजस्थान स्टेट माईन्स एण्ड मिनरल्स लिमिटेड —अप्राथी

उपस्थिति :—

(1) प्राथी प्रतिनिधि श्री एल. डी. खत्री उप.

(2) अप्राथी प्रतिनिधि श्री खेमराम चौधरी उप.

अधिनिर्णय

दिनांक 27-1-2004

श्रम मंत्रालय, भारत सरकार, नई दिल्ली ने अपनी अधिसूचना क्रमांक एल. 29012/63/2000 दिनांक 24-1-2001 से निम्न विवाद वास्ते अधिनिर्णय इस न्यायालय को प्रेषित किया है :—

“Whether the termination of services of Shri Umaram S/o Bhagaram Meghwal, Ex. Sahayak Karamchari by the management of R.S.M.D.C.Ltd. Jaipur by way of Voluntary Retirement Scheme w.e.f. 31-3-98 is legal and justified? If not, to what relief is workman concerned entitled?”

प्राथी ने अपना माँग-पत्र प्रस्तुत करते हुए कहा है कि आज से करीब 12 वर्ष पूर्व उसे अप्राथी के अधीन अस्थाई तौर पर आर. एन. डब्ल्यू. के पद पर नियुक्ति दी गई व सोनू लाईम स्टोन के प्रोजेक्ट पर काम करने का निर्देश दिया बाद में उसे 12-1-93 के आदेश से आर. एम. डब्ल्यू. के पद पर 1-10-92 को नियमित कर दिया। प्राथी अनपढ़ व्यक्ति है जिसको अप्राथी के अधीनस्थ अधिकारियों ने गुमराह करते हुए उससे स्वैच्छिक सेवानिवृत्ति योजना के अन्तर्गत प्रार्थना-पत्र माँगा जिस पर प्राथी ने भी अपना प्रार्थना-पत्र अप्राथी के समक्ष 5-1-98 को सशर्त पेश किया जिसमें 31-3-98 से विभिन्न शर्तों पर स्वयं को स्वैच्छिक सेवानिवृत्त करने की प्रार्थना की। प्राथी का कथन है कि उसे रोजगार से निकालने हेतु अप्राथी द्वारा षडयंत्र रचा गया जिसकी जानकारी 31-3-98 से पूर्व प्राथी को होने पर प्राथी ने अपने अधिकारों के तहत 5-2-98 को प्रस्तुत प्रार्थना-पत्र को वापस उठाने हेतु प्रार्थना-पत्र दिया, उसके पश्चात् 3-4-98 को पुनः अप्राथी के समक्ष प्रार्थना-पत्र पेश किया कि वह स्वैच्छिक सेवानिवृत्ति नहीं चाहता क्योंकि उसकी पारिवारिक स्थिति खराब है, प्राथी ने अन्य कर्मचारियों के साथ 13-4-98 को पुनः एक प्रार्थना-पत्र अप्राथी के समक्ष प्रस्तुत किया व स्वैच्छिक सेवानिवृत्ति से संबंधित गलत कार्यवाही को रोकने की प्रार्थना की लेकिन प्राथी की एक भी नहीं सुनी एवं 28-3-98 द्वारा प्राथी की सेवाएं 31-3-98 को उक्त आधार पर समाप्त कर दी गई कि प्राथी ने अपना त्याग-पत्र पेश किया है। अप्राथी ने स्वैच्छिक सेवानिवृत्ति योजना के नाम से प्रार्थना-पत्र लेकर मनमाने ढंग से प्राथी को नौकरी से निकाल दिया, प्राथी से खाली पन्नों पर हस्ताक्षर करवा लिये उक्त समस्त कार्यवाही अनफेयर लेबर प्रेक्टिस की तारीफ में आती है, तथा औ. वि. अधिनियम के प्रावधानों के प्रतिकूल होने से प्राथी पुनः सेवा में लिये जाने का अधिकारी है। अप्राथी ने प्राथी को सेवामुक्त करने के पश्चात् नये व्यक्तियों को नियुक्ति दी लेकिन प्राथी द्वारा बार-बार प्रार्थना करने के बावजूद भी आज तक नौकरी नहीं दी, अप्राथी का यह कृत्य धारा 25-जी एवं 25 एव औ. वि. अधिनियम की अवहेलना है, प्राथी आज तक बेरोजगार है। अन्त में निवेदन किया कि प्राथी की सेवामुक्ति को अवैध ठहराते हुए प्राथी को पुनः सेवा में लेकर सेवा को लगातार मानते हुए समस्त परिलाभ दिलाये जावें।

अप्राथी की ओर से जवाब में कहा गया कि प्राथी को दैनिक मजदूर के रूप में रखा गया तथा 1-10-92 से नियमित किया गया। प्राथी ने स्वेच्छा से अप्राथी द्वारा जारी स्वैच्छिक सेवानिवृत्ति योजना को भली-भाँति समझकर अपने विवेक से स्वैच्छिक सेवानिवृत्ति हेतु आवेदन-पत्र प्रस्तुत किया था जिसको अप्राथी द्वारा 31-3-98 से स्वीकार किया गया, उक्त प्रार्थना-पत्र को स्वीकार करने में अप्राथी द्वारा न तो षड़यंत्र किया न ही प्राथी को गुमराह किया न ही उस पर कोई दबाव डाला, प्राथी को समस्त भुगतान कर दिया गया। उसकी कोई रकम अप्राथी में बकाया नहीं है, प्राथी ने पी. एफ. की राशि भी प्राप्त कर ली है। प्राथी ने अप्राथी के समक्ष स्वैच्छिक सेवानिवृत्ति हेतु प्रार्थना-पत्र प्रस्तुत किया था जिसको स्वीकार करने में अप्राथी निगम ने कोई वैधानिक भूल नहीं की है। अप्राथी द्वारा पारित आदेश न तो अन्केयर लेबर प्रेक्टिस की तारीफ में आता है न ही औ. वि. अधिनियम के प्रावधानों के उल्लंघन की तारीफ में आता है, प्राथी कोई राहत प्राप्त करने का अधिकारी नहीं है। अन्त में निवेदन किया कि प्राथी का माँग-पत्र सव्यय खारिज किया जावे।

प्राथी ने माँग-पत्र के समर्थन में स्वयं का शपथ-पत्र प्रस्तुत किया जिस पर अप्राथी प्रतिनिधि द्वारा जिरह की गई तथा अप्राथी की ओर से त्रिभुवन राय ठाकुर का शपथ-पत्र प्रस्तुत किया जिस पर प्राथी प्रतिनिधि द्वारा जिरह की गई। प्राथी की ओर से विभिन्न दस्तावेजात की प्रतियाँ पेश की गईं।

दोनों पक्षों के प्रतिनिधिगण की बहस सुनी, पत्रावली का अवलोकन किया।

प्राथी द्वारा यह कहा गया कि उसने विपक्षी के अधीन लगातार सेवा दी, उसने स्वैच्छिक सेवानिवृत्ति का प्रार्थना-पत्र दिया था परन्तु वह सशर्त था, शर्तों की पालना न करते हुए उसे सेवा से पृथक कर दिया जो कि त्रुटिपूर्ण है।

विपक्षी द्वारा यह कहा गया कि प्राथी ने सेवानिवृत्ति का प्रार्थना-पत्र स्वेच्छा से दिया था जिसे स्वीकार किया जाकर उसे सेवामुक्त किया जा चुका है, उसने राशि प्राप्त कर ली है और अब कोई आपत्ति उसकी पोषणीय नहीं है।

स्वयं प्राथी द्वारा अपनी जिरह में यह कथन किया है कि उसने रियायमेंन्ट हेतु अर्जी दी थी, प्रदर्श-1 पर उसके दस्तखत हैं, नरपतसिंह व हरीराम उसके गवाह थे परन्तु उसका कथन है कि उसने राजी-खुशी अर्जी नहीं दी थी, उससे जबरन अर्जी लिखवाई गई हो ऐसी कोई स्थिति न्यायालय के समक्ष पेश नहीं हुई है। प्राथी का यह भी कथन है कि उसने त्याग-पत्र वापस लेने का प्रार्थना-पत्र दिया था। प्राथी को 31-3-98 को ही कार्यभारमुक्त किया जा चुका था और उसका त्याग-पत्र स्वीकार कर लिया गया था, उसके पश्चात् 13-4-98 को दिये गये प्रार्थना-पत्र का कोई महत्व नहीं रह जाता।

प्राथी का यह कथन है कि प्रार्थना-पत्र में वर्णित उसकी शर्तें पूरी नहीं की गई परन्तु यह स्पष्ट है कि सेवानिवृत्ति के लिए विशिष्ट स्कीम बनाई गई थी और उस स्कीम के अन्तर्गत ही प्राथी द्वारा प्रार्थना-पत्र दिया गया था, ऐसी स्थिति में शर्तें पूरी न होने का कथन पूरी तरह

आधारहीन है और जब प्राथी की शर्तें पूरी नहीं हुई थी तो उसे अपना त्याग-पत्र वापस ले लेना चाहिए था अथवा वह सेवानिवृत्ति के फलस्वरूप मिलने वाले परिलाभ प्राप्त करने से इन्कार कर सकता था परन्तु प्राथी की ओर से ऐसा कृत्य नहीं किया गया। ऐसी स्थिति में प्राथी का यह तर्क कि शर्तें पूरी नहीं हुई हैं, आधारहीन है। विपक्षी की ओर से त्रिभुवन राय ठाकुर विधि सहायक पेश हुए हैं।

इस प्रकार स्वयं प्राथी ने यह स्वीकार किया है कि उसने स्वैच्छिक सेवानिवृत्ति हेतु प्रार्थना-पत्र दिया था, इसी के अनुसरण में प्राथी को सेवामुक्त किया गया है ऐसी स्थिति में प्राथी अब इस पर कोई आपत्ति करने से बाधित ऐसी स्थिति में जब स्वयं प्राथी ने सेवानिवृत्ति हेतु प्रार्थना-पत्र दिया जिसे विपक्षी द्वारा स्वीकार किया गया है और उसके अनुसरण में प्राथी ने सेवानिवृत्ति के परिलाभ प्राप्त कर लिये हैं तो अब वह इस पर कोई आपत्ति नहीं कर सकता, इस संबंध में विपक्षी की ओर से एस. बी. सिविल रिट पिटीशन नम्बर 3650/98 अम्बावा बनाम आर. एस. एम. डी. सी. का निर्णय पेश किया जिसमें स्पष्ट किया गया है कि जहाँ प्राथी ने सेवानिवृत्ति के सम्बन्ध में परिलाभों को प्राप्त कर लिया है तो वह सेवानिवृत्ति के आदेश को चुनौती नहीं दे सकता। इस प्रकार प्राथी के प्रार्थना-पत्र के आधार पर सेवानिवृत्ति स्कीम के अन्तर्गत प्राथी को सेवानिवृत्त करना किसी प्रकार अनुचित और अवैध नहीं है।

प्राथी का यह कथन है कि वह निर्धारित योग्यता नहीं रखता था और इस कारण उसकी सेवानिवृत्ति नहीं हो सकती, परन्तु यह तर्क मान्य नहीं है, जिन व्यक्तियों की दस वर्ष की सेवा पूर्ण नहीं हुई उन पर भी स्कीम को लागू किया गया है, इस स्थिति में प्राथी निर्धारित योग्यता नहीं रखता हो ऐसी स्थिति नहीं है और अब स्वयं प्राथी ने स्वेच्छा से सेवानिवृत्ति हेतु प्रार्थना-पत्र प्रस्तुत किया तो उसका यह कहना कि वह निर्धारित योग्यता नहीं रखता, पूरी तरह महत्वहीन हो जाता है।

अतः प्राथी की सेवानिवृत्ति उचित और वैध है और प्राथी कोई अनुतोष पाने की अधिकारी नहीं है।

अधिनिर्णय

अतः यह अधिनिर्णित किया जाता है कि राजस्थान स्टेट माईन्स एण्ड मिनेरल्स लिमिटेड द्वारा उमाराम पुत्र श्री भगाराम जाति मेघवाल को उसके प्रार्थना-पत्र के आधार पर सेवानिवृत्ति स्कीम के अन्तर्गत सेवानिवृत्त करना किसी भी प्रकार अनुचित और अवैध नहीं है। अतः प्राथी अप्राथी से कोई अनुतोष प्राप्त करने की अधिकारी नहीं है।

निशा गुप्ता, न्यायाधीश

नई दिल्ली, 14 जून, 2004

का. आ. 1610.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. राज स्टेट मि. ड. कॉर्पो. लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, जोधपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार का 18-05-2004 को प्राप्त हुआ था।

[सं. एल.-29012/120/2000-आई. आर. (एम.)]

बी. एम. डेविड, अव. स.

New Delhi, the 14th June, 2004

S.O. 1610.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Jodhpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. RSMDC Ltd. and their workman, which was received by the Central Government on 18-05-04.

[No. L-29012/120/2000-IR(M)]
B.M. DAVID, Under Secy.

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय,
जोधपुर।

पीठासीन अधिकारी :—श्रीमती निशा गुप्ता, आर. एच. जे. एस.

औ. वि. (केन्द्रीय) सं. :—07/2002

श्रीमती कमला पत्नी श्री कालूराम जी जाति भील निवासी रामगढ़ जिला
जैसलमेर। —प्रार्थीया

बनाम

राजस्थान स्टेट माईन्स एण्ड मिनरल्स लिमिटेड —अप्रार्थी
उपस्थिति :—

(1) प्रार्थीया प्रतिनिधि श्री एल. डी. खत्री उप.

(2) अप्रार्थी प्रतिनिधि श्री खेमराम चौधरी उप.

अधिनिर्णय

दिनांक 27-1-2004

श्रम मंत्रालय, भारत सरकार, नई दिल्ली ने अपनी अधिसूचना क्रमांक एल. 29012/120/2000 दिनांक 14-3-2001 से निम्न विवाद वास्ते अधिनिर्णय इस न्यायालय को प्रेषित किया है :—

“Whether the termination of Smt. Kamla W/o Sh. Kaluram, Ex. Sahayak Karamchari by the management of R.S.M.D.C.Ltd., Jaipur by way of Voluntary Retirement Scheme w.e.f. 31-10-97 is legal and justified? If not, to what relief is workman concerned entitled?”

प्रार्थीया ने माँग-पत्र प्रस्तुत करते हुए अभिकथित किया कि प्रार्थीया को अप्रार्थी ने अपने अधीन आर. एन. डब्लू. के पद पर आज से करीब 10 वर्ष पूर्व अस्थायी तौर पर नियुक्ति दी तथा सोनू लाईम स्टोन प्रोजेक्ट पर कार्य करने हेतु निर्देशित किया, प्रार्थीया के कार्य से सन्तुष्ट होकर 12-1-93 को आर. एम. डब्लू. के पद पर 1-10-92 से नियमित किया गया, अप्रार्थी के अधीनस्थ अधिकारियों ने प्रार्थीया को कि अनपढ़ है, को गुमराह करते हुए उससे स्वैच्छिक सेवानिवृत्ति योजना के तहत प्रार्थना-पत्र मांगा जिस पर प्रार्थीया ने भी अपना प्रार्थना-पत्र पेश किया जो विभिन्न शर्तों के तहत था, अप्रार्थी द्वारा प्रार्थीया को स्वैच्छिक सेवानिवृत्ति योजना के नाम पर प्रार्थना-पत्र लेकर उन प्रार्थना-

पत्रों को त्याग-पत्र मानते हुए मनमाने ढंग से प्रार्थीया को नौकरी से निकाल दिया, खाली पन्नों पर हस्ताक्षर करवा लिये जो अनफेयर लेबर प्रैक्टिस की तारीफ में आता है। प्रार्थीया का कथन है कि उसे रोजगार से निकालने के षड्यंत्र की जानकारी होने पर उसने अन्य कर्मचारियों के साथ 13-4-97 को प्रार्थना-पत्र देकर स्वैच्छिक सेवानिवृत्ति से संबंधित गलत कार्यवाही को रोकने के लिए प्रार्थना की। प्रार्थीया की सेवामुक्ति औद्योगिक विवाद अधिनियम के प्रावधानों के प्रतिकूल होने से प्रार्थीया पुनः सेवा में लिये जाने की अधिकारी है। अन्त में निवेदन किया कि प्रार्थीया को आदेश दिनांक 31-10-97 द्वारा की गई सेवामुक्ति को अवैध घोषित किया जाकर प्रार्थीया को समस्त लाभों सहित सेवा में पुनर्स्थापित किया जावे।

अप्रार्थी की ओर से जवाब में कहा गया कि प्रार्थीया को निगम में दैनिक मजदूरी पर रखा गया जिसे बाद में नियमित किया गया, अप्रार्थी द्वारा स्वैच्छिक सेवानिवृत्ति योजना जारी की गई जिसके लाभ व हानि को भली-भाँति समझकर बिना किसी दबाव व बिना किसी षड्यंत्र के गवाहों के दस्तखत करवाने के बाद प्रार्थीया ने अपना प्रार्थना-पत्र 30-9-97 को प्रस्तुत कर 31-10-97 से स्वैच्छिक सेवानिवृत्ति चाही गई जिसको अप्रार्थी द्वारा स्वीकार कर प्रार्थी को उसके आवेदन के आधार पर सेवा से स्वैच्छिक सेवानिवृत्ति के तहत सेवामुक्ति किया गया। अप्रार्थी निगम के किसी भी अधिकारी ने प्रार्थीया को गुमराह नहीं किया न ही उसके अनपढ़ होने का नाजायज फायदा उठाया, प्रार्थीया को अप्रार्थी द्वारा निगम की सेवा से निकालने हेतु कोई षड्यंत्र नहीं रचा गया, स्वैच्छिक सेवानिवृत्ति का प्रार्थना-पत्र वापस लेने हेतु प्रार्थीया ने कोई आवेदन नहीं किया अतः प्रार्थीया को 31-10-97 को स्वैच्छिक सेवानिवृत्ति कर दिया गया, इस तिथि से पूर्व प्रार्थीया ने प्रार्थना-पत्र को वापस लेने हेतु कोई प्रार्थना-पत्र या निवेदन नहीं किया था, प्रार्थीया ने उक्त योजना के तहत नियमानुसार मिलने वाले समस्त लाभ हासिल कर लिये हैं तथा भुगतान भी प्राप्त कर लिया है, अब प्रार्थीया का अप्रार्थी निगम में कोई भुगतान बकाया नहीं है, स्वैच्छिक सेवानिवृत्ति आदेश पारित करना अनफेयर लेबर प्रैक्टिस की तारीफ में नहीं आता अप्रार्थी द्वारा धारा 25-जी व 25-एच के प्रावधानों का उल्लंघन नहीं किया। अन्त में निवेदन किया कि प्रार्थीया का माँग-पत्र सख्य खारिज किया जावे।

प्रार्थीया ने माँग-पत्र के समर्थन में स्वयं का शपथ-पत्र प्रस्तुत किया जिस पर अप्रार्थी प्रतिनिधि द्वारा जिरह की गई तथा अप्रार्थी की ओर से त्रिभुवन राय ठाकोर का शपथ-पत्र प्रस्तुत किया जिस पर प्रार्थी प्रतिनिधि द्वारा जिरह की गई। दोनों पक्षों की ओर से दस्तावेजात की फोटो प्रतियाँ पेश की गई।

दोनों पक्षों के प्रतिनिधिगण की बहस सुनी, पत्रावली का अवलोकन किया।

प्रार्थीनी द्वारा यह कहा गया है कि उसने विपक्षी के अधीन लगातार सेवा दी, उसने स्वैच्छिक सेवानिवृत्ति का प्रार्थना-पत्र दिया परन्तु वह सशर्त था, शर्तों की पालना न करते हुए उसे सेवा से पृथक् कर दिया जो कि त्रुटिपूर्ण है।

विपक्षी द्वारा यह कहा गया कि प्रार्थनी ने सेवानिवृत्ति का प्रार्थना-पत्र स्वेच्छा से दिया था जिसे स्वीकार किया जाकर उसे सेवामुक्त किया जा चुका है उसने राशि प्राप्त कर ली है और अब कोई आपत्ति उसकी पोषणीय नहीं है।

स्वयं प्रार्थनी द्वारा अपनी प्रतिपरीक्षा में यह कहा गया है कि रिटायरमेंट की अर्जी का उसे पता नहीं, अंगूठा दिया था, दो लाख का कहा था, भुगतान के सम्बन्ध में भी उसने पता नहीं होने का कथन किया है परन्तु 70,000 रुपये मिलना स्वीकार किया है। विपक्षी की ओर से त्रिभुवन राय ठाकौर विधि सहायक पेश हुए हैं।

इस प्रकार स्वयं प्रार्थनी ने यह स्वीकार किया है कि उसने स्वैच्छिक सेवानिवृत्ति हेतु प्रार्थना-पत्र दिया था, इसी के अनुसरण में प्रार्थनी को सेवामुक्त किया गया है ऐसी स्थिति में प्रार्थनी अब इस पर कोई आपत्ति करने से बाधित है। विपक्षी की ओर से प्रार्थनी को किये भुगतान के संबंध में प्रदर्श-2 व 3 प्रपत्र पेश हुए हैं, भुगतान प्राप्त होने के तथ्य से प्रार्थनी ने इन्कार नहीं किया है ऐसी स्थिति में जब स्वयं प्रार्थनी ने सेवानिवृत्ति हेतु प्रार्थना-पत्र दिया जिसे विपक्षी द्वारा स्वीकार किया गया है और उसके अनुसरण में प्रार्थनी ने सेवानिवृत्ति के परिलाभ प्राप्त कर लिये हैं तो अब वह इस पर कोई आपत्ति नहीं कर सकती, इस संबंध में विपक्षी की ओर से एस. बी. सिविल रिट पिटीशन नम्बर 3650/98 अम्बाबा बनाम आर. एस. एम. डी. सी. का निर्णय पेश किया जिसमें स्पष्ट किया गया है कि जहाँ प्रार्थी ने सेवानिवृत्ति के सम्बन्ध में परिलाभों को प्राप्त कर लिया है तो वह सेवानिवृत्ति के आदेश को चुनौती नहीं दे सकता। इस प्रकार प्रार्थनी के प्रार्थना-पत्र के आधार पर सेवानिवृत्ति स्कीम के अन्तर्गत प्रार्थनी को सेवानिवृत्त करना किसी प्रकार अनुचित और अवैध नहीं है।

प्रार्थनी का यह कथन है कि वह निर्धारित योग्यता नहीं रखती थी और इस कारण उसकी सेवानिवृत्ति नहीं हो सकती, परन्तु यह तर्क मान्य नहीं है, जिन व्यक्तियों की दस वर्ष की सेवा पूर्ण नहीं हुई उन पर भी स्कीम को लागू किया गया है, इस स्थिति में प्रार्थनी निर्धारित योग्यता नहीं रखती हो ऐसी स्थिति नहीं है और अब जब स्वयं प्रार्थनी ने स्वेच्छा से सेवानिवृत्ति हेतु प्रार्थना-पत्र प्रस्तुत किया तो उसका यह कहना कि वह निर्धारित योग्यता नहीं रखती, पूरी तरह महत्वहीन हो जाता है।

अतः प्रार्थनी की सेवानिवृत्ति उचित और वैध है और प्रार्थनी कोई अनुतोष पाने की अधिकारिणी नहीं है।

अधिनिर्णय

अतः यह अधिनिर्णित किया जाता है कि राजस्थान स्टेट माईन्स एण्ड मिनरल्स लिमिटेड द्वारा श्रीमती कमला पत्नी श्री कालुराम जी भील को उसके प्रार्थना-पत्र के आधार पर सेवानिवृत्ति स्कीम के अन्तर्गत सेवानिवृत्त करना किसी भी प्रकार अनुचित और अवैध नहीं है। अतः प्रार्थनी अप्रार्थी से कोई अनुतोष प्राप्त करने की अधिकारिणी नहीं है।

निशा गुप्ता, न्यायाधीश

नई दिल्ली, 14 जून, 2004

का. आ. 1611.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. राज. स्टेट मि. ड. कॉर्पो. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, जोधपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-05-2004 को प्राप्त हुआ था।

[सं. एल.-29012/35/2001-आई. आर. (एम.)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 14th June, 2004

S.O. 1611.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Jodhpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. RSMDC Ltd. and their workman, which was received by the Central Government on 18-05-04.

[No. L-29012/35/2001-IR(M)]

B.M. DAVID, Under Secy.

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय,
जोधपुर

पीठासीन अधिकारी :—श्रीमती निशा गुप्ता, आर. एच. जे. एस.

औ. वि. (केन्द्रीय) सं.:—34/2001

श्रीमती अणबी पत्नी श्री सांगाराम जी जाति बेलदार निवासी गांव धरोई,
तहसील शिव जिला बाड़मेर।

—प्रार्थनी

बनाम

राजस्थान स्टेट माईन्स एण्ड मिनरल्स लिमिटेड

—अप्रार्थी

उपस्थिति :—

(1) प्रार्थी प्रतिनिधि श्री एल. डी. खत्री उप.

(2) अप्रार्थी प्रतिनिधि श्री खेमाराम चौधरी उप.

अधिनिर्णय

दिनांक 27-1-2004

श्रम मंत्रालय भारत सरकार नई दिल्ली ने अपनी अधिसूचना क्रमांक एल. 29012/35/2001 दिनांक 10-8-2001 से निम्न विवाद वास्ते अधिनिर्णय इस न्यायालय को प्रेषित किया है :—

"Whether the termination of services of Smt. Anachi W/o Sh. Sugnaram Ex. Sahayak Karamchari by the management of R.S.M.D.C. Ltd., Jaipur by way of V.R.S w.e.f. 14-12-96 is legal and justified ? If not, to what relief is workman concerned entitled ?"

प्रार्थीया ने अपना माँग-पत्र प्रस्तुत करते हुए अभिकथित किया कि अप्रार्थी ने सोनू लार्ड स्टोन प्रोजेक्ट पर कार्य करने हेतु प्रार्थीनी को 10-15 वर्ष पूर्व नियुक्ति दी, प्रार्थीनी को 12-1-1993 के आदेश से आर. एम. डब्लू. के पद पर नियमित किया गया। अप्रार्थी ने षडयंत्र रचकर प्रार्थीनी को नौकरी से अवैध रूप से निकालने हेतु एक स्कीम बनाई जिसका नाम वी. आर. एस. स्कीम रखा तथा प्रार्थीनी को गुमराह कर लालच दिया कि यदि इस योजना के अन्तर्गत प्रार्थीनी प्रार्थना-पत्र पेश कर दे तो प्रार्थीनी को कई त्वरित लाभ दिये जायेंगे तथा पेन्शन जारी की जायेगी, इस पर प्रार्थीनी ने अप्रार्थी के समक्ष कुछ शर्तों सहित वी. आर. एस. का प्रार्थना-पत्र पेश किया जो कि प्रार्थना-पत्र में लिखी शर्तों की पालना पर ही मान्य था, चूँकि अप्रार्थी ने एक सुनियोजित षडयंत्र के अन्तर्गत प्रार्थीनी को सेवा से बर्खास्त करना था, ऐसी स्थिति में लम्बे समय तक उस प्रार्थना-पत्र पर कोई गौर नहीं किया न ही उस प्रार्थना-पत्र की किसी शर्त को माना ऐसी स्थिति में प्रार्थीनी ने अपना प्रार्थना-पत्र विड़ो कर लिया, उसके पश्चात् भी अप्रार्थी विभाग ने प्रार्थीनी की अवैध रूप से सेवायें समाप्त करने हेतु 40,000 रुपये का भुगतान कर नौकरी से निकाल दिया, प्रार्थीनी का कथन है कि प्रार्थना-पत्र में लिखी गई शर्तों के आधार पर उसे सेवानिवृत्ति नहीं दी गई बल्कि उसे जबरदस्ती सेवा से पृथक किया गया, अवैध सेवामुक्ति बाबत अप्रार्थी ने औ. वि. अधिनियम के प्रावधानों की पालना नहीं की जो अनफेयर लेबर प्रेक्टिस की परिभाषा में आता है, वरीयता सूची नहीं बनाई, प्रार्थीनी से कनिष्ठ कई व्यक्ति आज भी सेवा में मौजूद हैं ऐसी स्थिति में प्रार्थीनी पुनः सेवा में लिये जाने की अधिकारी हैं। अन्त में निवेदन किया है कि 14-12-96 से प्रार्थीनी को अवैध रूप से सेवा में पृथक करने का आदेश निरस्त किया जाकर प्रार्थीनी को पुनः नौकरी में लिये जाने का आदेश मय समस्त परिलाभों के पारित किया जावे।

अप्रार्थी की ओर से जवाब में कहा गया कि प्रार्थी को निगम में दैनिक मजदूर के रूप में रखा गया था जिसे बाद में 12-1-1993 से नियमित किया गया, प्रार्थीया को बरखास्त नहीं किया परन्तु उसके द्वारा प्रस्तुत स्वैच्छिक सेवानिवृत्ति प्रार्थना-पत्र के आधार पर उसे स्वैच्छिक सेवानिवृत्ति प्रदान कर सेवामुक्त किया गया, अप्रार्थी द्वारा प्रार्थीनी के साथ कोई षडयंत्र या धोखा नहीं किया बल्कि प्रार्थीया ने विभाग द्वारा जारी स्वैच्छिक सेवानिवृत्ति योजना को भली-भाँति समझकर स्वैच्छिक सेवानिवृत्ति हेतु प्रार्थना-पत्र अप्रार्थी को प्रस्तुत किया था जिसको अप्रार्थी ने स्वीकार कर प्रार्थीनी को 14-12-96 को सेवा मुक्त कर दिया जिसमें कोई वैधानिक त्रुटि नहीं की है, प्रार्थीनी ने स्वैच्छिक सेवानिवृत्ति पर मिलने वाली समस्त राशि का भुगतान प्राप्त कर लिया है अब किसी प्रकार की राशि अप्रार्थी विभाग में बकाया नहीं है, प्रार्थीनी ने कभी भी अपना स्वैच्छिक सेवानिवृत्ति प्रार्थना-पत्र वापस नहीं लिया न ही वापस लेने के संबंध में कोई प्रार्थना-पत्र दिया, प्रार्थीनी का यह कथन गलत है कि उसे जबरदस्ती सेवा से पृथक किया गया। प्रार्थीनी ने पी. एफ. की राशि भी प्राप्त कर ली है, अप्रार्थी ने प्रार्थीया के स्वैच्छिक सेवानिवृत्ति हेतु प्राप्त प्रार्थना-पत्र को स्वीकार करने में औ. वि. अधिनियम के किसी भी प्रावधान का उल्लंघन नहीं किया, इस मामले में औ. वि. अधिनियम के प्रावधान लागू नहीं होते। अन्त में निवेदन किया कि प्रार्थीया का माँग-पत्र सव्यय खारिज किया जावे।

प्रार्थीया ने माँग-पत्र के समर्थन में स्वयं का शपथ-पत्र प्रस्तुत किया जिस पर अप्रार्थी प्रतिनिधि द्वारा जिरह की गई तथा अप्रार्थी की ओर से त्रिभुवन राय ठाकुर का शपथ-पत्र प्रस्तुत किया जिसपर प्रार्थी प्रतिनिधि द्वारा जिरह की गई। अप्रार्थी की ओर से दस्तावेजात की फोटो प्रतियाँ पेश की गई।

दोनों पक्षों के प्रतिनिधिगण की बहस सुनी, पत्रावली का अवलोकन किया।

प्रार्थीनी द्वारा यह कहा गया है कि उसने विपक्षी के अधीन लगातार सेवा दी, उसने स्वैच्छिक सेवानिवृत्ति का प्रार्थना-पत्र दिया परन्तु वह सशर्त था, शर्तों की पालना न करते हुए उसे सेवा से पृथक कर दिया जो कि त्रुटिपूर्ण है।

विपक्षी द्वारा यह कहा गया कि प्रार्थीनी ने सेवानिवृत्ति का प्रार्थना-पत्र स्वेच्छा से दिया था जिसे स्वीकार किया जाकर उसे सेवामुक्त किया जा चुका है उसने राशि प्राप्त कर ली है और अब कोई आपत्ति उसकी पोषणीय नहीं है।

स्वयं प्रार्थीनी द्वारा अपनी प्रतिपरीक्षा में यह स्वीकार किया गया है कि उसने रिटायरमेंट की अर्जी दी थी और चैक डाक से आया था, प्रदर्श-1 व 2 भुगतान होने के तथ्य से इसने इन्कार नहीं किया है। विपक्षी की ओर से त्रिभुवन राय ठाकुर विधि सहायक पेश हुए हैं।

इस प्रकार स्वयं प्रार्थी ने यह स्वीकार किया है कि उसने स्वैच्छिक सेवानिवृत्ति हेतु प्रार्थना-पत्र दिया था, इसी के अनुसरण में प्रार्थीनी को सेवामुक्त किया गया है ऐसी स्थिति में प्रार्थीनी अब इस पर कोई आपत्ति करने से बाधित है। विपक्षी की ओर से प्रार्थीनी को किये गये भुगतान की रसीदें पेश हुई हैं, प्रदर्श-1 व 2 से भुगतान होने के तथ्य से प्रार्थीनी ने इन्कार नहीं किया है ऐसी स्थिति में जब स्वयं प्रार्थीनी ने सेवानिवृत्ति हेतु प्रार्थना-पत्र दिया जिसे विपक्षी द्वारा स्वीकार किया गया है और उसके अनुसरण में प्रार्थीनी ने सेवानिवृत्ति के परिलाभ प्राप्त कर लिये हैं तो अब वह इस पर कोई आपत्ति नहीं कर सकती, इस संबंध में विपक्षी की ओर से एस. बी. सिविल रिट पिटीशन नम्बर 3650/98 अम्बावा बनाम आर. एस. एम. डी. सी. का निर्णय पेश किया जिसमें स्पष्ट किया गया है कि जहाँ प्रार्थी ने सेवानिवृत्ति के सम्बन्ध में परिलाभों को प्राप्त कर लिया है तो वह सेवानिवृत्ति के आदेश को चुनौती नहीं दे सकता। इस प्रकार प्रार्थीनी के प्रार्थना-पत्र के आधार पर सेवानिवृत्ति स्कीम के अन्तर्गत प्रार्थीनी को सेवानिवृत्त करना किसी प्रकार अनुचित और अवैध नहीं है।

प्रार्थीनी का यह कथन है कि वह निर्धारित योग्यता नहीं रखती थी और इस कारण उसकी सेवानिवृत्ति नहीं हो सकती, परन्तु यह तर्क मान्य नहीं है, जिन व्यक्तियों की दस वर्ष की सेवा पूर्ण नहीं हुई उन पर भी स्कीम को लागू किया गया है, इस स्थिति में प्रार्थीनी निर्धारित योग्यता नहीं रखती हो ऐसी स्थिति नहीं है और जब स्वयं प्रार्थीनी ने स्वेच्छा से सेवानिवृत्ति हेतु प्रार्थना-पत्र प्रस्तुत किया तो उसका यह कहना कि वह निर्धारित योग्यता नहीं रखती, पूरी तरह महत्वहीन हो जाता है।

अतः प्रार्थीनी की सेवानिवृत्ति उचित और वैध है और प्रार्थीनी कोई अनुतोष पाने की अधिकारिणी नहीं है।

अधिनिर्णय

अतः यह अधिनिर्णित किया जाता है कि राजस्थान स्टेट माईन्स एण्ड मिनरल्स लिमिटेड द्वारा श्रीमती अणची पत्नी श्री सांगाराम बेलदार को उसके प्रार्थना-पत्र के आधार पर सेवानिवृत्ति स्कीम के अन्तर्गत सेवानिवृत्त करना किसी भी प्रकार अनुचित और अवैध नहीं है। अतः प्रार्थीनी अप्रार्थी से कोई अनुतोष प्राप्त करने की अधिकारी नहीं है।

निशा गुप्ता, न्यायाधीश

नई दिल्ली, 14 जून, 2004

का. आ. 1612.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. आर. एस. एम. डी. सी. लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, जोधपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-05-2004 को प्राप्त हुआ था।

[सं. एल.-29012/122/2000-आई. आर. (एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 14th June, 2004

S.O. 1612.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Jodhpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. RSMDC Ltd. and their workman, which was received by the Central Government on 18-05-04.

[No. L-29012/122/2000-IR(M)]

B.M. DAVID, Under Secy.

अनुबंध

औद्योगिक विवाद आधकरण एवं श्रम न्यायालय,
जोधपुर

पीठासीन अधिकारी :—श्रीमती निशा गुप्ता, आर. एच. जे. एस.

औ. वि. (केन्द्रीय) सं. :—25/2001

श्री कालूराम पुत्र श्री केशराराम जी जाति भील, निवासी रामगढ़, जिला जैसलमेर

—प्रार्थी

बनाम

राजस्थान स्टेट माईन्स एण्ड मिनरल्स लिमिटेड

—अप्रार्थी

उपस्थिति :—

(1) प्रार्थी प्रतिनिधि श्री एल. डी. खत्री उप.

(2) अप्रार्थी प्रतिनिधि श्री खेमराम चौधरी उप.

अधिनिर्णय

दिनांक 27-1-2004

श्रम मंत्रालय भारत सरकार, नई दिल्ली ने अपनी अधिसूचना क्रमांक एल. 29012/122/2000 दिनांक 9-2-2001 से निम्न विवाद वास्ते अधिनिर्णय इस न्यायालय को प्रेषित किया है :—

“Whether the termination of services of Shri Kaluram S/o Shri Keshra Ram Bhil Ex. Sahayak Karamchari by the management of R.S.M.D.C.Ltd., Jaipur by way of Voluntary Retirement Scheme w.e.f. 31-8-97 is legal and justified? If not, to what relief is workman concerned entitled?”

प्रार्थी ने अपना माँग-पत्र प्रस्तुत करते हुए कहा है कि आज से करीब 10 वर्ष पूर्व उसे अप्रार्थी ने अपने अधीन आर. एन. डब्लू. के पद पर अस्थाई तौर पर नियुक्त कर सोनू लाईम स्टोन के प्रोजेक्ट पर कार्य करने का निर्देश दिया, उसके कार्य से सन्तुष्ट होकर अप्रार्थी ने 12-1-93 को आर. एम. डब्लू. के पद पर 1-10-92 से नियमित कर दिया। प्रार्थी का कथन है कि उसे अवैध रूप से सेवा से निष्कासित करने के लिए अप्रार्थी विभाग के अधिकारियों ने षडयंत्र रचकर प्रार्थी के विरुद्ध एक झूठी जाँच खोलकर कार्यवाही करने की धमकी दी तथा उस कार्यवाही में प्रार्थी के विरुद्ध किसी प्रकार का आरोप प्रमाणित नहीं होने के कारण प्रार्थी से स्वैच्छिक त्याग-पत्र की माँग की गई। प्रार्थी अनपढ़ है जिसको गुमराह करते हुए अप्रार्थी के अधिकारियों ने उससे स्वैच्छिक सेवानिवृत्ति योजना के अन्तर्गत प्रार्थना-पत्र माँगा जिसपर प्रार्थी ने अपना प्रार्थना-पत्र सशर्त स्वैच्छिक त्याग-पत्र पेश किया, प्रार्थी को रोजगार से निकालने हेतु अप्रार्थी द्वारा षडयंत्र रचा गया जिसकी जानकारी 31-8-97 को पूर्व प्रार्थी को होने पर प्रार्थी ने अपने अधिकारों के तहत अप्रार्थी के समक्ष अपने स्वैच्छिक सेवानिवृत्ति के प्रार्थना-पत्र को वापस उठाने हेतु प्रार्थना-पत्र दिया, 13-4-98 को पुनः अन्य कर्मचारियों के साथ प्रार्थना-पत्र प्रस्तुत किया व स्वैच्छिक सेवानिवृत्ति से संबंधित गलत कार्यवाही को रोकने की प्रार्थना की लेकिन अप्रार्थी ने मनमाने तरीके से प्रार्थी को नौकरी से निकालकर प्रार्थी को संविधान में प्रदत्त अधिकारों की अवहेलना की जिसके लिये प्रार्थी पुनः सेवा में रखे जाने का अधिकारी है, अप्रार्थी के अधीनस्थ कर्मचारियों द्वारा प्रार्थी को गुमराह कर खाली पन्नों पर हस्ताक्षर करवा लिये जो कृत्य नौकरी पर विपरीत प्रभाव डालने की नियत से किया जो अनफेयर लेबर प्रैक्टिस की तारीफ में आता है तथा औ. वि. अधिनियम के प्रावधानों के प्रतिकूल होने से प्रार्थी पुनः सेवा में लिये जाने की अधिकारी है। अन्त में निवेदन किया कि प्रार्थी को अप्रार्थी के आदेश दिनांक 31-8-97 द्वारा की गई सेवामुक्ति को अवैध घोषित किया जाकर समस्त लाभों सहित प्रार्थी को पुनः सेवा में लिये जाने का आदेश पारित किया जावे।

अप्रार्थी की ओर से जवाब में कहा गया कि प्रार्थी को निगम में दैनिक मजदूर के रूप में रखा गया जिसे बाद में नियमित किया गया अप्रार्थी निगम के किसी भी कर्मचारी ने प्रार्थी के साथ कोई षडयंत्र नहीं रचा था न ही अवैध रूप से सेवा से निष्कासित करने हेतु कोई कार्य किया न ही उसके विरुद्ध कोई कार्यवाही करने की धमकी दी,

अप्रार्थी द्वारा त्याग-पत्र नहीं माँगा गया बल्कि अप्रार्थी ने स्वैच्छिक सेवानिवृत्ति योजना जारी की थी जिसको भली-भाँति समझकर स्वेच्छा से बिना किसी दबाव व षड्यंत्र के प्रार्थी ने अपनी स्वतंत्र इच्छा से प्रार्थना-पत्र प्रस्तुत कर स्वैच्छिक सेवानिवृत्ति चाही थी तथा उसके चाहे अनुसार आदेश पारित कर प्रार्थी को सेवामुक्त किया जिसमें कोई अवैधानिक नहीं है, प्रार्थी के साथ कोई षड्यंत्र व धोखा नहीं किया, प्रार्थी ने स्वैच्छिक सेवानिवृत्ति प्रार्थना-पत्र स्वीकार होने तक उसे वापस लेने हेतु कोई आवेदन नहीं दिया था। प्रार्थी ने स्वेच्छिक सेवानिवृत्ति के अन्तर्गत मिलने वाले समस्त लाभों को प्राप्त कर लिया था, प्रार्थी के किसी खाली पन्नों पर हस्ताक्षर नहीं करवाये गये, प्रार्थी द्वारा प्रस्तुत स्वैच्छिक सेवानिवृत्ति आवेदन को स्वीकार कर सेवामुक्त करना अनफेयर लेबर प्रैक्टिस की तारीफ में नहीं आता है, उक्त आदेश पारित करने में औ. वि. अधिनियम के किसी भी प्रावधान का उल्लंघन नहीं हुआ है। अन्त में निवेदन किया कि प्रार्थी का माँग-पत्र सव्यय खरिज किया जावे।

प्रार्थी ने माँग-पत्र के समर्थन में स्वयं का शपथ-पत्र प्रस्तुत किया जिस पर अप्रार्थी प्रतिनिधी द्वारा जिरह की गई। अप्रार्थी की ओर से त्रिभुवन राय ठाकुर का शपथ-पत्र प्रस्तुत किया गया जिसपर प्रार्थी प्रतिनिधी द्वारा जिरह की गई। दोनों पक्षों की ओर से दस्तावेजात की प्रतियाँ पेश की गई।

दोनों पक्षों के प्रतिनिधीगण की बहस सुनी, पत्रावली का अवलोकन किया।

प्रार्थी द्वारा यह कहा गया कि उसने विपक्षी के अधीन लगातार सेवा दी, उसने स्वैच्छिक सेवानिवृत्ति का प्रार्थना-पत्र दिया परन्तु वह सशर्त था, शर्तों की पालना न करते हुए उसे सेवा से पृथक् कर दिया जो कि त्रुटिपूर्ण है।

विपक्षी द्वारा यह कहा गया कि प्रार्थी ने सेवानिवृत्ति का प्रार्थना-पत्र स्वेच्छा से दिया था जिसे स्वीकार किया जाकर उसे सेवामुक्त किया जा चुका है उसने राशि प्राप्त कर ली है और अब कोई आपत्ति उसकी पोषणीय नहीं है।

स्वयं प्रार्थी द्वारा अपनी जिरह में यह स्वीकार किया गया है कि उसने रिटायरमेंट हेतु प्रदर्श-1 अर्जी दी थी जिसपर उसका अंगूठा है, पचास हजार रुपये का भुगतान मिला था, प्रदर्श-2 व 3 द्वारा भुगतान मिला था, गवाहों के दस्तखत कराकर उसने प्रार्थना-पत्र दिया था, उसने यह भी स्वीकार किया है कि उसने त्याग-पत्र अपनी मर्जी से दिया था। प्रार्थी का यह भी कथन है कि उसने त्याग-पत्र वापस लेने का प्रार्थना-पत्र दिया था परन्तु उसकी कोई तारीख आदि प्रार्थी ने नहीं बताई है। प्रार्थना-पत्र की कोई नकल भी न्यायालय के समक्ष पेश नहीं की है बल्कि 3-4-98 को प्रार्थना-पत्र इस आशय का प्रस्तुत किया है कि उसे भी बीस हजार रुपये प्रोत्साहन राशि के दिये जायें, इसमें भी त्याग-पत्र वापस लेने के किसी तथ्य का उल्लेख नहीं है। ऐसी स्थिति में प्रार्थी का यह तर्क कि शर्त पूरी नहीं हुयी है आधारहीन है। विपक्षी की ओर से त्रिभुवन राय ठाकुर विधि सहायक पेश हुए हैं।

इस प्रकार स्वयं प्रार्थी ने यह स्वीकार किया है कि उसने स्वैच्छिक सेवानिवृत्ति हेतु प्रार्थना-पत्र दिया था, इसी के अनुसरण में प्रार्थी को

सेवा मुक्त किया गया है ऐसी स्थिति में प्रार्थी अब इस पर कोई आपत्ति करने से बाधित है। विपक्षी की ओर से प्रार्थी को किये गये भुगतान की रसीदें पेश हुई हैं, स्वयं प्रार्थी ने पचास हजार रुपये का भुगतान मिलना स्वीकार किया है ऐसी स्थिति में जब स्वयं प्रार्थी ने सेवानिवृत्ति हेतु प्रार्थना-पत्र दिया जिसे विपक्षी द्वारा स्वीकार किया गया है और उसके अनुसरण में प्रार्थी ने सेवानिवृत्ति के परिलाभ प्राप्त कर लिये हैं तो अब वह इस पर कोई आपत्ति नहीं कर सकता, इस सम्बन्ध में विपक्षी की ओर से एस. बी. सिविल रिट पिटीशन नम्बर 3650/98 अम्बाबा बानाम आर. एस. एम. डी. सी. का निर्णय पेश किया जिसमें स्पष्ट किया गया है कि जहाँ प्रार्थी ने सेवानिवृत्ति के सम्बन्ध में परिलाभों को प्राप्त कर लिया है तो वह सेवानिवृत्ति के आदेश को चुनौती नहीं दे सकता। इस प्रकार प्रार्थी के प्रार्थना-पत्र के आधार पर सेवानिवृत्ति स्कीम के अन्तर्गत प्रार्थी को सेवानिवृत्त करना किसी प्रकार अनुचित और अवैध नहीं है।

प्रार्थी का यह कथन है कि वह निर्धारित योग्यता नहीं रखता था और इस कारण उसकी सेवानिवृत्ति नहीं हो सकती, परन्तु यह तर्क मान्य नहीं है, जिन व्यक्तियों की दस वर्ष की सेवा पूर्ण नहीं हुई उन पर भी स्कीम को लागू किया गया है, इस स्थिति में प्रार्थी निर्धारित योग्यता नहीं रखता हो ऐसी स्थिति नहीं है और अब स्वयं प्रार्थी ने स्वेच्छा से सेवानिवृत्ति हेतु प्रार्थना-पत्र प्रस्तुत किया तो उसका यह कहना कि वह निर्धारित योग्यता नहीं रखता, पूरी तरह महत्वहीन हो जाता है।

अतः प्रार्थी की सेवानिवृत्ति उचित और वैध है और प्रार्थी कोई अनुतोष पाने की अधिकारी नहीं है।

अधिनिर्णय

अतः यह अधिनिर्णित किया जाता है कि राजस्थान स्टेट माईन्स एण्ड मिनरल्स लिमिटेड द्वारा कालुराम पुत्र श्री केशराराम भील को उसके प्रार्थना-पत्र के आधार पर सेवानिवृत्ति स्कीम के अन्तर्गत सेवानिवृत्त करना किसी भी प्रकार अनुचित और अवैध नहीं है। अतः प्रार्थी अप्रार्थी से कोई अनुतोष प्राप्त करने की अधिकारी नहीं है।

निशा गुप्ता, न्यायाधीश

नई दिल्ली, 14 जून, 2004

का. आ. 1613.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. राज. स्टे. मि. ड. कार्पो. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार श्रम न्यायालय, जोधपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-05-2004 को प्राप्त हुआ था।

[सं. एल.-29012/60/2000-आई. आर. (एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 14th June, 2004

S.O. 1613.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Jodhpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to

the management of M/s. RSMDC Ltd. and their workman, which was received by the Central Government on 18-05-04.

[No. L-29012/60/2000-IR(M)]
B.M. DAVID, Under Secy.

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय
जोधपुर

पीठासीन अधिकारी :—श्रीमती निशा गुप्ता, भार. एच. जे. एस.

औ. वि. (केन्द्रीय) सं. :—18/2001

श्रीमती सिरिया पत्नी श्री पांचराम जाति मेघवाल निवासी सोनू, जिला
जैसलमेर, राजस्थान

—प्रार्थी या

बनाम

राजस्थान स्टेट माईन्स एण्ड मिनरल्स लिमिटेड

—अप्रार्थी

उपस्थिति :—

- (1) प्रार्थी प्रतिनिधि श्री एल. डी. खत्री उप.
- (2) अप्रार्थी प्रतिनिधि श्री खेमराम चौधरी उप.

अधिनिर्णय

दिनांक 27-1-2004

श्रम मंत्रालय भारत सरकार नई दिल्ली ने अपनी अधिसूचना क्रमांक एल. 29012/60/2000 दिनांक 24-1-2001 से निम्न विवाद वास्ते अधिनिर्णय इस न्यायालय को प्रेषित किया है :—

“Whether the termination of services of Smt. Syriya W/o Shri Pancharam Meghwal, Ex. Sahayak Karamchari by the management of R.S.M.D.C.Ltd., Jaipur by way of Voluntary Retirement Scheme w.e.f. 31-3-1998 is legal and justified ? If not, to what relief is workman concerned entitled ?”

प्रार्थीया ने अपना माँग-पत्र प्रस्तुत करते हुए अभिकथित किया कि प्रार्थीया को अपने अधीन आर. एन. डब्लू. के पद पर आज से करीब आठ वर्ष पूर्व अस्थायी तौर पर नियुक्ति दी तथा सोनू लाईम स्टोन के प्रोजेक्ट पर कार्य करने हेतु निर्देशित किया, प्रार्थीया के कार्य से सन्तुष्ट होकर आर. एन. डब्लू. के पद पर 12-1-93 को 1-10-92 से नियमित कर दिया। अप्रार्थी के अधीनस्थ कर्मचारियों ने प्रार्थीया जो कि अनपढ़ है, को गुमराह करते हुए उससे स्वेच्छिक सेवानिवृत्ति योजना के अन्तर्गत प्रार्थना-पत्र माँगे जिस पर प्रार्थीया ने भी अपना प्रार्थना-पत्र 24-12-97 को सशर्त पेश किया जिसमें प्रार्थीया ने 31-3-98 से कुछ शर्तों पर स्वयं को सेवानिवृत्त करने की प्रार्थना की। प्रार्थीया को अप्रार्थी द्वारा षडयंत्र रच कर सेवा से निकालने का पता चला तो प्रार्थीया ने 31-3-98 से पूर्व ही अपने अधिकारों का प्रयोग करते हुए 19-3-98 को अप्रार्थी के समक्ष अपने स्वेच्छिक सेवानिवृत्ति के प्रार्थना-पत्र को वापस उठाने हेतु प्रार्थना-पत्र दिया, बाद में पुनः

3-4-98 को प्रार्थना-पत्र पेश किया कि वह स्वेच्छिक सेवानिवृत्ति नहीं चाहती क्योंकि उसकी पारिवारिक स्थिति खराब है, रोजगार के साधन उपलब्ध नहीं हैं तथा उसे गुमराह करके उससे स्वेच्छिक सेवानिवृत्ति के प्रार्थनापत्र के अनुसार उसमें वर्णित शर्तों के अनुसार लाभ नहीं दिया जा रहा है। प्रार्थीया ने अन्य कर्मचारियों के साथ पुनः 13-4-98 को एक प्रार्थना-पत्र प्रस्तुत कर स्वेच्छिक सेवानिवृत्ति से संबंधित गलत कार्यवाही को रोकने के लिए प्रार्थना की, प्रार्थीया को उसकी सेवानिवृत्ति प्रार्थना-पत्र के अनुसार रुपये नहीं दिये गये जिसपर प्रार्थीया ने 3-4-98 को एक शिकायत प्रार्थना-पत्र पेश किया लेकिन प्रार्थीनी की एक भी नहीं सुनी एवं अपने आदेश दिनांक 28-3-98 के द्वारा प्रार्थीया की सेवाएँ 3-4-98 को इस आधार पर समाप्त की गई कि प्रार्थीया ने अप्रार्थी के समक्ष अपना त्याग-पत्र पेश किया। अप्रार्थी ने प्रार्थीया को स्वेच्छिक सेवानिवृत्ति योजना के नाम पर प्रार्थना-पत्र लेकर उसे त्याग-पत्र मानते हुए मनमाने रवैये से प्रार्थीया को नौकरी से निकाला है जो पूर्णतया असंवैधानिक है। अनपढ़ कर्मचारियों से अप्रार्थी के अधीनस्थ अधिकारियों द्वारा गुमराह करके खाली पन्नों पर हस्ताक्षर करवाये गये जो अनफेयर लेबर प्रैक्टिस में आता है। प्रार्थी का यह भी कथन है कि उसे सेवामुक्त करने के पश्चात् अन्तों को नौकरी दी है लेकिन प्रार्थीया को प्रार्थना करने के बावजूद भी आज तक नौकरी नहीं दी है, अप्रार्थी का यह कृत्य धारा 25-जी व 25-एच की अवहेलना में आता है। अन्त में निवेदन किया है कि प्रार्थीया की सेवामुक्ति को अवैध ठहराते हुए प्रार्थीया को पुनः सेवा में लेकर सेवा को लगातार मानते हुए समस्त परिणाम दिलाये जायें।

अप्रार्थी की ओर से जवाब में कहा गया कि प्रार्थीया को शुरू में दैनिक मजदूर पर रखा गया बाद में 1-10-92 को वेतनमान में नियमित किया गया अप्रार्थी द्वारा प्रार्थीया को गुमराह नहीं किया गया, निगम में कार्यरत कर्मचारियों के समक्ष स्वेच्छिक सेवानिवृत्ति योजना जारी की गई थी जिसके गुण-अवगुण, लाभ आदि को अच्छी तरह समझकर स्वेच्छा से बिना किसी दबाव के व बिना किसी षडयंत्र के प्रार्थीया ने स्वविवेक से अपनी स्वतंत्र इच्छा से स्वेच्छिक सेवानिवृत्ति हेतु प्रार्थना-पत्र प्रस्तुत कर 31-3-98 से स्वेच्छिक सेवानिवृत्ति चाही थी जिसको अप्रार्थी द्वारा स्वीकार कर उसे 31-3-98 से स्वेच्छिक सेवानिवृत्ति पर कार्यमुक्त कर दिया तथा उक्त योजना के तहत जो लाभ उसको देय थे का भुगतान कर दिया गया, प्रार्थीया ने पी. एफ. की राशि भी प्राप्त कर ली है। चूंकि प्रार्थीया 31-3-98 को सेवानिवृत्त हो चुकी थी तथा सेवानिवृत्ति के पश्चात् दिये गये प्रार्थना-पत्र महत्वहीन हैं अतः प्रार्थीया कोई लाभ पाने की हकदार नहीं है क्योंकि उसने स्वेच्छिक सेवानिवृत्ति आदेश पारित होने की तारीख तक स्वेच्छिक सेवानिवृत्ति प्रार्थना-पत्र को वापस लेने हेतु कोई आवेदन नहीं किया था। प्रार्थीया का कोई भुगतान बकाया नहीं है, प्रार्थीया को आदेश दिनांक 26-12-97 के द्वारा 31-3-98 को सेवानिवृत्ति प्रदान की गई है, अप्रार्थी के किसी अधीनस्थ कर्मचारी/अधिकारी द्वारा प्रार्थीया को गुमराह नहीं किया न ही खाली पन्नों पर उसके हस्ताक्षर करवाये, अप्रार्थी द्वारा पारित स्वेच्छिक सेवानिवृत्ति आदेश अनफेयर लेबर प्रैक्टिस की परिभाषा में नहीं आता, प्रार्थीया को सेवानिवृत्ति के पश्चात् नये व्यक्तियों को सेवा में नहीं रखा है, प्रार्थीया के किसी अधिकार का कोई उल्लंघन नहीं किया अतः

प्रार्थीया कोई अनुतोष पाने की अधिकारी नहीं है। अन्त में निवेदन किया कि प्रार्थीया का माँग-पत्र सव्यय खारिज किया जावे।

प्रार्थीया ने माँग-पत्र के समर्थन में स्वयं का शपथ-पत्र प्रस्तुत किया जिस पर अप्राथी प्रतिनिधि द्वारा जिरह की गई तथा अप्राथी की ओर से त्रिभुवन राय ठाकौर का शपथ-पत्र प्रस्तुत किया गया जिसपर प्रार्थी प्रतिनिधि द्वारा जिरह की गई। प्रार्थीया की ओर से विभिन्न दस्तावेजात की प्रतियाँ पेश की गईं।

दोनों पक्षों के प्रतिनिधीगण की बहस सुनी, पत्रावली का अवलोकन किया।

प्रार्थीनी द्वारा यह कहा गया कि उसने विपक्षी के अधीन लगातार सेवा दी, उसने स्वैच्छिक सेवानिवृत्ति का प्रार्थना-पत्र दिया था परन्तु वह सशर्त था, शर्तों की पालना न करते हुए उसे सेवा से पृथक् कर दिया जो कि त्रुटिपूर्ण है।

विपक्षी द्वारा यह कहा गया कि प्रार्थीनी ने सेवानिवृत्ति का प्रार्थना-पत्र स्वेच्छा से दिया था जिसे स्वीकार किया जाकर उसे सेवामुक्त किया जा चुका है, उसने राशि प्राप्त कर ली है और अब कोई आपत्ति उसकी पोषणीय नहीं है।

प्रार्थीनी का अपनी जिरह में यह कथन है कि उसने इस्तीफा हेतु अर्जी दी थी, अंगूठा लगाया था, पत्रावली में लिखा था कि सेवावाह थे, अस्सी हजार रुपये मिले थे।

प्रार्थीनी का यह भी तर्क है कि उसने त्याग-पत्र वापस लेने का प्रार्थना-पत्र दिया था, प्रार्थीनी को 31-3-98 को ही कार्यभार मुक्त किया जा चुका था और उसका त्याग-पत्र स्वीकार कर लिया गया था, उसके पश्चात् 13-4-98 को दिये गये प्रार्थना-पत्र का कोई महत्व नहीं रह जाता।

प्रार्थीनी का यह कथन है कि प्रार्थना-पत्र में वर्णित उसकी शर्तें पूरी नहीं की गईं परन्तु यह स्पष्ट है कि सेवानिवृत्ति के लिए विशिष्ट स्कीम बनाई गई थी और उस स्कीम के अन्तर्गत ही प्रार्थीनी द्वारा प्रार्थना-पत्र दिया गया था ऐसी स्थिति में शर्तें पूरी न होने का कथन पूरी तरह आधारहीन है और जब प्रार्थीनी की शर्तें पूरी नहीं हुईं तो उसे अपना त्याग-पत्र वापस ले लेना चाहिए था अथवा वह सेवानिवृत्ति के फलस्वरूप मिलने वाले परिलाभ प्राप्त करने से इन्कार कर सकती थी परन्तु प्रार्थीनी की ओर से ऐसा कृत्य नहीं किया गया। ऐसी स्थिति में प्रार्थीनी का यह तर्क कि शर्तें पूरी नहीं हुयी हैं, आधारहीन है। विपक्षी की ओर से त्रिभुवन राय ठाकौर विधि सहायक पेश हुए हैं।

इस प्रकार जब स्वयं प्रार्थीनी ने स्वैच्छिक सेवानिवृत्ति का प्रार्थना-पत्र दिया था, उसी के अनुसरण में प्रार्थीनी को सेवामुक्त किया गया है ऐसी स्थिति में प्रार्थीनी अब इस पर कोई आपत्ति करने से बाधित है। ऐसी स्थिति में जब स्वयं प्रार्थीनी ने सेवानिवृत्ति हेतु प्रार्थना-पत्र दिया जिसे विपक्षी द्वारा स्वीकार किया गया है और उसके अनुसरण में प्रार्थीनी ने सेवानिवृत्ति के परिलाभ प्राप्त कर लिये हैं तो अब वह इस पर कोई आपत्ति नहीं कर सकती, इस संबंध में विपक्षी की ओर से एस. बी. सिविल रिट पिटीशन नम्बर 3650/98 अम्बावा बनाम आर. एस.

एम. डी. सी. का निर्णय पेश किया जिसमें स्पष्ट किया गया है कि जहाँ प्रार्थीनी ने सेवानिवृत्ति के सम्बन्ध में परिलाभों को प्राप्त कर लिया है तो वह सेवानिवृत्ति के आदेश को चुनौती नहीं दे सकता। इस प्रकार प्रार्थीनी के प्रार्थना-पत्र के आधार पर सेवानिवृत्ति स्कीम के अन्तर्गत प्रार्थीनी को सेवानिवृत्त करना किसी प्रकार अनुचित और अवैध नहीं है।

प्रार्थीनी का यह कथन है कि वह निर्धारित योग्यता नहीं रखती थी और इस कारण उसकी सेवानिवृत्ति नहीं हो सकती, परन्तु यह तर्क मान्य नहीं है, जिन व्यक्तियों की दस वर्ष की सेवा पूर्ण नहीं हुई उन पर भी स्कीम को लागू किया गया है, इस स्थिति में प्रार्थीनी निर्धारित योग्यता नहीं रखती हो ऐसी स्थिति नहीं है और अब स्वयं प्रार्थीनी ने स्वेच्छा से सेवानिवृत्ति हेतु प्रार्थना-पत्र प्रस्तुत किया तो उसका यह कहना कि वह निर्धारित योग्यता नहीं रखती, पूरी तरह महत्वहीन हो जाता है।

अतः प्रार्थीनी की सेवानिवृत्ति उचित और वैध है और प्रार्थीनी कोई अनुतोष पाने की अधिकारी नहीं है।

अधिनिर्णय

अतः यह अधिनिर्णय किया जाता है कि राजस्थान स्टेट माईन्स एण्ड मिनरल्स लिमिटेड द्वारा श्रीमती सिरिया पत्नी श्री पांचाराम को उसके प्रार्थना-पत्र के आधार पर सेवानिवृत्ति स्कीम के अन्तर्गत सेवानिवृत्त करना किसी भी प्रकार अनुचित और अवैध नहीं है। अतः प्रार्थीनी अप्राथी से कोई अनुतोष प्राप्त करने की अधिकारिणी नहीं है।

निशा गुप्ता, न्यायाधीश

नई दिल्ली, 14 जून, 2004

का. आ. 1614.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. आर. एस. एम. डी. सी. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, जोधपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-05-2004 को प्राप्त हुआ था।

[सं. एल.-29012/123/2000-आई. आर. (एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 14th June, 2004

S.O. 1614.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Jodhpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. RSMDC Ltd. and their workman, which was received by the Central Government on 18-05-04.

[No. L-29012/123/2000-IR(M)]

B.M. DAVID, Under Secy.

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय,
जोधपुर।

पीठासीन अधिकारी :—श्रीमती निशा गुप्ता, आर. एच. जे. एस.

औ. वि. (केन्द्रीय) सं. :—5/2002

श्रीमती पैपा पत्नी श्री अमृतराम जाति भील निवासी रामगढ़ जिला
जैसलमेर।

—प्रार्थीया

बनाम

राजस्थान स्टेट माईन्स एण्ड मिनरल्स लिमिटेड

—अप्रार्थी

उपस्थिति :—

- (1) प्रार्थी प्रतिनिधि श्री एल. डी. खत्री उप.
- (2) अप्रार्थी प्रतिनिधि श्री खेमराम चौधरी उप.

अधिनिर्णय

दिनांक 27-1-2004

श्रम मंत्रालय भारत सरकार, नई दिल्ली ने अपनी अधिसूचना क्रमांक एल. 29012/123/2000 दिनांक 14-3-2001 से निम्न विवाद वास्ते अधिनिर्णय इस न्यायालय को प्रेषित किया है :—

“Whether the termination of services of Smt. Pempa W/o Shri Amritaram Ex. Sahayak Karamchhari by the management of R.S.M.D. C.Ltd., Jaipur by way of Voluntary Retirement Scheme w.e.f. 31-10-1997 is legal and justified? If not, to what relief is workman concerned entitled?”

प्रार्थीया ने अपना माँग-पत्र प्रस्तुत करते हुए कहा है कि प्रार्थीया को अप्रार्थी ने अपने अधीन आर. एन. डब्लू. के पद पर आज से करीब 10 वर्ष पूर्व अस्थायी तौर पर नियुक्ति दी तथा सोनू लाईम स्टोन प्रोजेक्ट पर कार्य करने का निर्देश दिया, प्रार्थीया के कार्य से सन्तुष्ट होकर 12-1-93 को आर. एम. डब्लू. के पद पर 1-10-92 से नियमित किया, अप्रार्थी के अधीनस्थ अधिकारियों ने प्रार्थीया जो कि अनपढ़ है, को गुमराह करते हुए उससे स्वैच्छिक सेवानिवृत्ति योजना के अन्तर्गत प्रार्थना-पत्र माँगे जिस पर प्रार्थीया ने भी अपना प्रार्थना-पत्र दिया। प्रार्थीया का कथन है कि उसे रोजगार से निकालने हेतु अप्रार्थी द्वारा षड्यंत्र रचा गया जिसकी जानकारी 31-8-97 को प्रार्थीया को होने पर प्रार्थी ने अपने अधिकारों के अन्तर्गत अप्रार्थी से अपना स्वैच्छिक सेवानिवृत्ति का प्रार्थना-पत्र वापस लेने की प्रार्थना की व प्रार्थना-पत्र दिया, 13-4-97 को पुनः अन्य कर्मचारियों के साथ एक प्रार्थना-पत्र प्रस्तुत किया। अप्रार्थी द्वारा प्रार्थीया को स्वैच्छिक सेवानिवृत्ति योजना के नाम पर प्रार्थना-पत्र लेकर उन प्रार्थना-पत्रों को त्याग-पत्र मानते हुए मनमाने ढंग से प्रार्थीया को नौकरी से निकाल दिया, अनपढ़ कर्मचारियों को गुमराह कर खाली पन्नों पर हस्ताक्षर करवा लिये जो अनफेयर लेबर प्रेक्टिस की तारीफ में आता है, प्रार्थीया की सेवामुक्ति औद्योगिक विवाद अधिनियम के प्रावधानों के प्रतिकूल होने से प्रार्थीया पुनः सेवा

में लिये जाने की अधिकारी है। अन्त में निवेदन किया है कि प्रार्थीया को अप्रार्थी के आदेश दिनांक 31-10-97 द्वारा की गई सेवा मुक्ति को अवैध घोषित किया जाकर प्रार्थीया को समस्त लाभों सहित पुनः सेवा में लिये जाने का आदेश पारित किया जावे।

अप्रार्थी की ओर से जवाब में कहा गया कि प्रार्थीया को निगम में दैनिक मजदूर के रूप में रखा गया जिसे बाद में 1-10-92 से नियमित किया गया, अप्रार्थी निगम ने प्रार्थीया के साथ कोई षड्यंत्र नहीं रचा, प्रार्थीया ने निगम की योजना से प्रभावित होकर स्वैच्छिक सेवानिवृत्ति चाही जिसे निगम ने स्वीकार किया व उसे सेवामुक्त किया, स्वैच्छिक सेवा निवृत्ति योजना के गुण व अवगुण को समझकर प्रार्थीया ने स्वैच्छिक सेवा निवृत्ति हेतु गवाहों के हस्ताक्षर सहित स्वयं के अंगुष्ठ निशान लगाकर प्रार्थना-पत्र दिया था, प्रार्थीया ने उसकी स्वैच्छिक सेवानिवृत्ति किये जाने की तारीख तक स्वैच्छिक सेवानिवृत्ति आवेदन-पत्र को वापस लिये जाने हेतु कोई प्रार्थना-पत्र नहीं दिया, प्रार्थीया का स्वैच्छिक सेवानिवृत्ति प्रार्थना-पत्र मंजूर होने के पश्चात् उसे 31-3-98 को सेवामुक्त का दिया गया, उसके पश्चात् प्रस्तुत प्रार्थना-पत्र की कोई मान्यता नहीं है प्रार्थीया ने स्वैच्छिक सेवानिवृत्ति योजना के तहत मिलने वाले तमाम आर्थिक लाभ प्राप्त कर लिये हैं, प्रार्थीया को स्वैच्छिक सेवानिवृत्ति आवेदन पर सेवा से मुक्त किया था नौकरी से नहीं निकाला था अतः प्रार्थीया पुनः सेवा में स्थापित होने की हकदार नहीं है, विधि सम्मत आदेश पारित करना अनफेयर लेबर प्रेक्टिस की तारीफ में नहीं आता। प्रार्थीया की कोई राशि अप्रार्थी में बकाया नहीं है। अन्त में निवेदन किया कि प्रार्थीया का माँग-पत्र सब्य खारिज किया जावे।

प्रार्थीया ने माँग-पत्र के समर्थन में स्वयं का शपथ-पत्र प्रस्तुत किया जिसपर अप्रार्थी प्रतिनिधि द्वारा जिरह की गई तथा अप्रार्थी की ओर से त्रिभुवन राय ठाकोर का शपथ-पत्र प्रस्तुत किया गया जिसपर प्रार्थी प्रतिनिधि द्वारा जिरह की गई। दोनों पक्षों की ओर से दस्तावेजात की फोटो स्टेट प्रतियाँ पेश की गई।

दोनों पक्षों के प्रतिनिधिगण की बहस सुनी, पत्रावली का अवलोकन किया।

प्रार्थीनी द्वारा यह कहा गया कि उसने विपक्षी के अधीन लगातार सेवा दी, उसने स्वैच्छिक सेवानिवृत्ति का प्रार्थना-पत्र दिया परन्तु वह सशर्त था, शर्तों की पालना न करते हुए उसे सेवा से पृथक् कर दिया जो कि त्रुटिपूर्ण है।

विपक्षी द्वारा यह कहा गया कि प्रार्थीनी ने सेवानिवृत्ति का प्रार्थना-पत्र स्वेच्छा से दिया था जिसे स्वीकार किया जाकर उसे सेवामुक्त किया जा चुका है, उसने राशि प्राप्त कर ली है और अब कोई आपत्ति उसकी पोषणीय नहीं है।

स्वयं प्रार्थीनी द्वारा अपनी जिरह में यह कथन किया है कि उसने रिटायरमेंट की अर्जी नहीं दी थी उसे वेतन बढ़ाने का कहकर अंगूठा करवाया था, उसने यह स्वीकार किया है कि उसे 50,000 रुपये मिले थे और भुगतान प्रदर्श-1 से 3 पर अपने दस्तखतों को भी उसने स्वीकार किया है।

प्रार्थनी का यह कथन है कि उसने प्रदर्श-4 प्रार्थना-पत्र दिया था परन्तु यह प्रार्थना-पत्र कब और किसे दिया गया, यह स्थिति स्पष्ट नहीं है।

इस प्रकार स्वयं प्रार्थी ने यह स्वीकार किया है कि उसने स्वैच्छिक सेवानिवृत्ति हेतु प्रार्थना-पत्र दिया था, इसी के अनुसरण में प्रार्थनी को सेवामुक्त किया गया है। ऐसी स्थिति में प्रार्थनी अब इस पर कोई आपत्ति करने से बाधित है। विपक्षी की ओर से प्रार्थनी को किये गये भुगतान की रसीदें पेश हुई हैं, प्रदर्श 2 व 3 से भुगतान होने के तथ्य से प्रार्थनी ने इन्कार नहीं किया है। ऐसी स्थिति में जब स्वयं प्रार्थनी ने सेवानिवृत्ति हेतु प्रार्थना-पत्र दिया जिसे विपक्षी द्वारा स्वीकार किया गया है और उसके अनुसरण में प्रार्थनी ने सेवानिवृत्ति के परिलाभ प्राप्त कर लिये हैं तो अब वह इस पर कोई आपत्ति नहीं कर सकती, इस संबंध में विपक्षी की ओर से एस. बी. सिविल रिट पिटीशन नम्बर 3650/98 अम्बावा बनाम आर. एस. एम. डी. सी. का निर्णय पेश किया जिसमें स्पष्ट किया गया है कि जहाँ प्रार्थनी ने सेवानिवृत्ति के सम्बन्ध में परिलाभों को प्राप्त कर लिया है तो वह सेवानिवृत्ति के आदेश को चुनौती नहीं दे सकता। इस प्रकार प्रार्थनी के प्रार्थना-पत्र के आधार पर सेवानिवृत्ति स्कीम के अन्तर्गत प्रार्थनी को सेवानिवृत्त करना किसी प्रकार अनुचित और अवैध नहीं है।

प्रार्थनी का यह कथन है कि वह निर्धारित योग्यता नहीं रखती थी और इस कारण उसकी सेवानिवृत्ति नहीं हो सकती, परन्तु यह तर्क मान्य नहीं है, जिन व्यक्तियों की दस वर्ष की सेवा पूर्ण नहीं हुई उन पर भी स्कीम को लागू किया गया है, इस स्थिति में प्रार्थनी निर्धारित योग्यता नहीं रखती हो ऐसी स्थिति नहीं है और जब स्वयं प्रार्थनी ने स्वेच्छा से सेवानिवृत्ति हेतु प्रार्थना-पत्र प्रस्तुत किया तो उसका यह कहना कि वह निर्धारित योग्यता नहीं रखती, पूरी तरह महत्वहीन हो जाता है।

अतः प्रार्थनी की सेवानिवृत्ति उचित और वैध है और प्रार्थनी कोई अनुतोष पाने की अधिकारी नहीं है।

अधिनिर्णय

अतः यह अधिनिर्णीत किया जाता है कि राजस्थान स्टेट माइन्स एण्ड मिनरल्स लिमिटेड द्वारा श्रीमती पैपा पल्ली श्री अमृतराम जाति भील को उसके प्रार्थना-पत्र के आधार पर सेवानिवृत्ति स्कीम के अन्तर्गत सेवानिवृत्त करना किसी भी प्रकार अनुचित और अवैध नहीं है। अतः प्रार्थनी अप्रार्थी से कोई अनुतोष प्राप्त करने की अधिकारिणी नहीं है।

निशा गुप्ता, न्यायाधीश

नई दिल्ली, 14 जून, 2004

का. आ. 1615.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केरल मिनरल्स एण्ड मेटल्स लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, कोल्लम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-5-04 को प्राप्त हुआ था।

[सं. एल.-29012/105/2001-आई.आर. (एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 14th June, 2004

S.O. 1615.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Kollam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management, Kerala Minerals and Metals Ltd. and their workman which was received by the Central Government on 18-05-04.

[No. L-29012/105/2001-IR(M)]

B.M. DAVID, Under Secy.

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL, KOLLAM

(Dated, this the 15th day of March, 2004)

PRESENT :

Sri. C.N. Sasidharan
Industrial Tribunal

In

Industrial Dispute No. 19/02

Between

The Managing Director,
Kerala Minerals and Metals Ltd.,
Sankaramangalam, Chavara, Kollam.Management
(By M/s. Menon & Menon, Advocate,
Kochi.)

AND

Sri. E.V. Jayachandran Nair, Easwara
Vilasom, Aramada. P.O., Trivandrum.Workman
(By Sri. M.S. Vijayachandra Babu,
Advocate, Trivandrum.)

AWARD

The Government of India by Order No. L-29012/105/2001 IR(M) dated 3-5-'01 have referred this Industrial Dispute for adjudication to this Tribunal.

The issue for adjudication is the following.

"Whether the action of the management of Kerala Minerals and Metals Ltd., Chavara in terminating the service of Shri E.V. Jayachandran Nair, Ex-Technician (Instrumentation) Grade A justified? If not, to what relief the concerned workman is entitled?"

II. The Management has dismissed the workman Sri E.V. Jayachandran Nair on the basis of a domestic enquiry conducted against the workmen for the misconduct of unauthorised absence from duty. The management justified their action. But according to the

workman the action of management is unjustifiable particularly on the ground that the enquiry is vitiated and liable to be set aside. This tribunal by order dated 30-1-'04 found that the enquiry is proper and valid. I shall extract below that order in full to understand the facts involved in this case :

ORDER

This industrial dispute is the result of the termination of Sri E.V. Jayachandran Nair from the service of Kerala Minerals and Metals Ltd; Chavara.

2. Shri. E.V. Jayachandran Nair, the workman in this dispute is claiming reinstatement in service contending that his termination is unsustainable. On the other hand the management would contend that the workman was found guilty of the charge of unauthorised absence from duty and hence not entitled to any relief.

3. The contentions advanced by the workman are briefly as under : The management company is a Government owned company. The workman joined in the service of the company in the Titanium Dioxide Pigment Unit (Pigment unit for short) from 14-5-'86 as technician. He was subsequently promoted as Gr. I. The Government has permitted employees of the management for taking up employment abroad upto period of five years on two spells. The workman applied for leave initially for 3 years from 5-7-'93 which was sanctioned from 5-7-'93 to 4-7-'96. He has executed the employment contract with a company in Kuwait for two years which expires on August 1995. The workman then entered into fresh employment agreement for two or more years. Before expiry of the leave granted by the company on 4-7-1996, he applied for extension of leave for two or more years. But the manager of the company directed the workman to explain any disciplinary proceeding should not be initiated against him for unauthorised absence. The workman requested for three months leave as his passport was with the foreign company. He resigned from the foreign company and requested for relieving him at the earliest. This was also intimated to the management company by the workman. But by this time the management initiated enquiry against him which was concluded on 2-1-'97. He has raised a dispute with the foreign company for accepting his request to release him. The management based on the report of the enquiry officer terminated the workman from service with effect from 5-7-'96. The reason for not joining duty on 5-7-'96 as due to the circumstances beyond the control of the workman which the enquiry officer failed to appreciate. The action of management in not extending leave is highly illegal. The post in which he was employed is still vacant and the workman had an exemplary record of service in the management company from the year 1986. The punishment of termination is grossly

disproportionate to the gravity of misconduct levelled against him and it is totally illegal and unjustified.

4. The contentions of the management are briefly as below : The workman was working as officiating technician Gr. A in the pigment unit of the company which is wholly owned by Government of Kerala. The management company had its own rules proved by Govt. granting a long leave to technical persons was adversely affecting the running of Pigment unit which was intimated to the employees. In the letter granting leave to the workman for taking up employment abroad it was specifically mentioned among other conditions that if he did not report for duty immediately on the expiry of leave granted by the company for the purpose of taking up employment abroad his service will be deemed as terminated. The workman accepted the terms and conditions in that letter dated 8-7-'93 and he was bound to report for duty after expiry of leave from 5-7-'86. But he applied for extension of leave and the company was informed that he had renewed his contract for further two years up to '97 August and requested for extension of leave. The management is not liable or responsible for such extension and the management is not liable for the renewal of contract of the workman with the foreign employer. The management informed that extension of leave cannot be considered due to scarcity of manpower and directed him to report for duty immediately. But he again requested Govt. and on enquiry from the Govt. the management intimated the position that the management is not in a position to consider the request of the workman due to shortage of staff. As the workman started unauthorisedly absenting from duty, which is a serious misconduct, the management initiated disciplinary proceedings after giving due notice. His explanation was not found satisfactory and hence the senior manager of the company was appointed as the enquiry officer after intimation to the workman. The enquiry officer issued notice to the workman and the workman authorised another employee as his representative to participate in the enquiry. The enquiry officer after taking evidence from the management side and marking one document from the side of the workman concluded the enquiry finding that the charges levelled against the workman are proved. Copy of the enquiry report was forwarded to the workman with covering letter dated 5-2-'97 copy of which was served with his co-worker. Neither the workman nor his co-worker furnished any objection against the finding of the enquiry officer. The management after considering all the aspects, imposed the punishment of termination from the service and obtained approval of this Tribunal. The action of management is fully legal and justified and the punishment is commensurate with the misconduct only. The management has declined the request of the workman for extension of leave for valid and sustainable reasons. The workman did not seek permission of

management to enter into two years contract with his foreign employer either before 20-8-'95 or thereafter. He came with such a case only when the management issued chargesheet. After participating in the enquiry and availing opportunities afforded, the workman cannot complain that the domestic enquiry was irregular and principles of natural justice have been violated. The findings of the enquiry officer are based on legal evidence available in the enquiry which are not perverse. The Government has not granted extension to him for rejoining duty. The management denies the allegation that the post in which the workman was working is still remains vacant. As the misconduct of unauthorised absence proved against him is very grave, the alleged clean service record is not a reason for taking leniency. It is also further stated that the management has lost confidence in the workman due to his proved misconduct and the management is not liable to reinstate him in service with or without any benefits.

5. The enquiry file containing, chargesheet, evidence of witnesses, documents etc. have been marked as Ext. M1 as agreed to by the learned counsel for the workman without examining the enquiry officer.

6. The learned counsel for the workman would contend that the domestic enquiry has been conducted by a senior manager of the company which is highly irregular and that the enquiry has been conducted in violation of the principles of natural justice. It is not pointed out as to in what manner the enquiry officer has violated principles of natural justice. It is now settled law that an officer of the management can very well be appointed as an enquiry officer and nothing has been pointed out to show that such an action of the management is unjustified in any manner. Admittedly the co-worker was present throughout the enquiry proceedings on behalf of the workman and he has not sought any adjournment in the enquiry. Witness was also examined on the side of the worker and no allegation was raised by the workman against the procedure adopted in the enquiry or against the enquiry officer. There is nothing on record to show that the enquiry was in violation of principles of natural justice. On the other hand it is clear that the enquiry has been conducted in conformity with the principles of natural justice.

7. The next point of attack is that the Enquiry Officer acted beyond his limit in conducting the enquiry and considered points which the Enquiry Officer was not expected to examine. According to the learned counsel, as per the chargesheet unauthorised absence is for one month. But the chargesheet unauthorised absence is for one month. But the conclusion of the Enquiry Officer that the workman has been granted long leave from 5-7-'93 to 4-7-'96 that he has not reported for duty on expiry of the sanctioned leave but requested for extension

that company has not granted extension of leave due to scarcity of manpower that the explanation given by the workman are not valid and that the absence of the workman is found to be unauthorised absence without getting the leave sanctioned and hence guilty of charges. According to the learned counsel when the charge is unauthorised absence for month the Enquiry Officer is not expected to go into other aspects as stated above. On a consideration of the charge levelled against the workman and other circumstances I am not persuaded to accept the present argument of the learned counsel as the above findings of the Enquiry Officer are absolutely necessary in arriving at his conclusion and it cannot be held that the Enquiry Officer has gone beyond his limit. This argument is only to be rejected.

8. The next point of attack is that the Government have granted the workman extension of time upto 20-11-'96 for joining duty and the charge of unauthorised absence from 5-7-'96 has no effect, which was not considered by the Enquiry Officer. By letter dated 20-6-'96 the workman addressed the Government for extension of leave and the Government rejected that request as per Ext. ME-8 letter (document in the enquiry) dated 4-11-'96. Of course date is typed as 4-1-'96 but that can only be a mistake which is evident from letter of the workman dated 20-6-'96 as that request of the workman cannot be rejected by letter dated 4-1-'96. It is also noticeable that copy of the Govt. letter has been forwarded to the workman under Ext. ME-9 cover dated 20-11-'96 (document in the enquiry) which also indicates that the Government letter can only be dated 4-11-'96 and not 4-1-'96. It is also noticable that copy of the Government letter has been forwarded to the workman under Ext. ME-9 cover dated 4-11-'96 (document in the enquiry) which also indicates that the Government letter can only be dated 4-11-'96 and not 4-1-'96. There is nothing to show that neither the company nor the Government granted permission to the workman to remain absent from 5-7-'96. According to the workman he has made all the efforts to rejoin duty and it was due to the reluctance of his foreign employer to return passport and due to other legal proceedings he was unable to return to the country and rejoin duty. This contention is totally irrelevant as management has granted him leave only up to 4-7-'96 and his request for extension was rejected as per Ext. ME-4 and ME-6 orders of management (documents in the enquiry). He might have renewed his contract with the foreign employer for further two years upto '97 August but that was without the knowledge and permission of the management and the management is not at all liable or responsible for the action of the workman as the management company never agreed to extend leave. It is specifically stated in Ext. ME-1 by which he was granted leave, that if he does not report back for duty on the expiry of leave, his service will be deemed as terminated and

the workman has accepted the conditions before going on leave. He cannot now turn round and accuse the management for his lapses and absence from duty. In the light of this, the question whether the workman had paid Rs. 1.25 lakhs to the foreign employer as compensation for his resignation has also no relevance at all.

9. Now the question is whether the findings of the Enquiry Officer has considered all the aspects of the matter and came to his conclusion. The specific conditions stated in Ext. ME-1 as stated above make the position abundantly clear that the workman is guilty of the charge as he has proceeded on leave after accepting those conditions and thereafter only leave sanction order was issued by the management. The terms stated in the leave sanctioned order are very much clinching and the workman cannot escape from the said clause. He has not reported to join duty and offered valid explanation also. That being the position conduct of a domestic enquiry was not warranted at all as held the supreme Court in *Punjab and Sind Bank V. Sakatar Singh* [2000(1)LLJ 174] while considering the case of an employee for unauthorised absence from duty without offering explanation and without producing any material and observed in Para 5 of the judgement that, if the respondent in what case had submitted an explanation regarding his unauthorised absence or placed any material before the court that he did report for duty but was not allowed to join duty, inquiry may have been necessitated *but not otherwise* (Emphasis supplimented).

The Kerala High Court in *Beemakunju & Others B. Food Corporation of India* [01(1)KLJ 725] also considered the case of an employee for charges of serious lapses by unauthorisedly absents from duty and went abroad without permission. The employee was terminated from service without conducting domestic enquiry. The High Court on an analysis of the recent trend in the decisions of the apex court held in Para 11 of the judgement that it cannot be stated in absolute terms that it is mandatory to conduct a domestic enquiry before concluding disciplinary action against a workman proceeded against for unauthorised absence. Further held that it will depend on the service conditions and the circumstances of the case. It is also pointed out that when the workman concerned had been put to notice regarding the same, it is not mandatory to conduct a domestic enquiry for that only purpose.

The above observation of the Supreme Court and Kerala High Court are fully applicable to the facts and circumstances involved in the case before me. Even then the management conducted a domestic enquiry which is valid and proper. On these grounds also the attack against the enquiry is unsustainable.

10. As I have found above the enquiry has been conducted fully in compliance with the principles of natural justice and findings are supported by legal

evidence. There are no cogent reasons to interfere with the findings of the enquiry officer and hence no interference is called for from this Tribunal. At this juncture it is relevant to refer a decision of the Supreme Court in *M/s. Banaraz Electric Light and Power Company Limited V. labour Court* [72(2)LLJ 328]. The observations made by the Supreme Court at pages 330 and 331 in para. 4 of the judgment is worth quoting as below :

"This court in several case while dealing with industrial disputes of this kind, had occasion to point out that an Industrial Tribunal would not be justified in characterising the findings recorded in the domestic inquiry as perverse unless it can be shown that such a finding is not supported by any evidence, or is entirely opposed to the whole body of the evidence adduced before it. In a domestic inquiry once a conclusion is deduced from the evidence, it is not permissible to assail that conclusion even though it is possible for some other authority to arrive at a different conclusion on the same evidence."

The High Court of Kerala in *Cochin Shipyard Ltd. V. labour Court* (89 LAB I.C. 2220) considered the authority of the Tribunal to interfere with the findings of the Enquiry Officer and in para.21 of the judgement quoted and observation of the Supreme Court in *India Iron and Steel Company case* (58 SC.130) thus :

"If a proper enquiry is conducted by an employer and correct finding arrived at regarding the misconduct, the Tribunal, even though it has now power to differ from the conclusions arrived at by the management, will have to give very cogent reason for not accepting the view of the employer. Further, by holding a proper enquiry, the employer will also escape the charge of having acted arbitrarily or malafide. If cannot be over emphasised that conducting of a proper and valid enquiry by an employer will conduce to harmonious and healthy relationship between him and the workmen and it will serve the cause of industrial peace. Further it will also enable an employer to persuade the Tribunal to accept the enquiry as proper and the finding also as correct."

The High Court based on the above principle has held thus in para .23 :

"The sustainability of the award which interfered with the finding in a duly conducted domestic enquiry has to be judged on the touchstone of the above principles. The question is whether the Labour Court had any reasons, justifying the upsetting of the employer's finding. Some reasons

would not be sufficient. They must satisfy a more rigorous test of being "cogent reasons".

The above observation of the courts fully support my above view.

III. In view of the above discussion, I hold that the domestic enquiry has been conducted fully in compliance with the principles of natural justice and the findings of the Enquiry Officer are proper, valid and supported by legal evidence.

IV. Having found that the enquiry is proper and valid the question now remains to be considered is regarding the quantum of punishment imposed on the delinquent. Both sides vehemently argued in support of their stands regarding the Punishment of termination.

V. No doubt this Tribunal found that the workman is guilty of the charges levelled against him viz : unauthorised absence from 5-7-'96 to date of chargesheet on 5-8-'96. In the particular circumstances of the case it is necessary to look into the factual aspects which led to the termination of the delinquent for unauthorised absence. It is evident from page 9 of the enquiry proceedings that the delinquent did not dispute charge of unauthorised absence but his request is that he may be granted time to join duty, which show the intention of the workman in rejoining duty. Now what were the hurdles for rejoining duty according to him are worth considering. The workman obtained leave for three years from 5-7-'93 to 4-7-'96 for taking up employment abroad and before the expiry of sanctioned leave of 3 years he has applied for extension of two more years leave as he entered into employment contract with a foreign employer for two more years. At that time one year sanctioned leave was available in his credit. It may be recalled that at the time of sanctioning initial leave by the management the existing practice was to grant 5 years leave on two spells of three years followed by subsequent two years. His application for extension of leave, when one year sanctioned leave was available in his credit clearly establish that he was under the earnest hope of getting further extension. But the management rejected his application. The delinquent admittedly informed the Enquiry Officer as well as management the difficulties of rejoining duty such as passport was with the foreign employer and hence he could not come back to inspect without the passport and that the foreign employer was retaining him by force illegally. Having failed to get extension of leave from the management the workman resigned from the service of the foreign employer on 20-8-'96 and requested to relieve him immediately but that was not materialised and hence representations were given to the Kuwait Embassy which was followed by employment dispute and according to the delinquent it was settled on 6-1-'97 by paying Rs. 1.25 lakhs to the foreign company as compensation for

accepting his resignation and immediate release. There is no dispute that these aspects were intimated to the management then and there. It is true that according to the management all those hardles and problems were the creations of the delinquent himself as he has entered into fresh employment contract without getting sanction from the management and hence the management is in no way responsible or guilty of those developments. His request for postponment of the enquiry on the above grounds was not heeded to by the Enquiry Officer. Thereafter he has requested for short term leave for three months by letter dated 14-8-'96 as his passport is with the company at Kuwait. Copies of the above letters and the documents proving his earnest efforts to come back to India have been produced before this Tribunal. His request for short term leave for three months was also rejected by the Company. After getting release from the foreign Company he reached India for rejoining duty. But by that time his services were terminated by the management.

VI. This case according to me is not comparable or similar to an unauthorised absence for not attending duty. Though it is alleged as unauthorised absence leave applications for extension of leave and for short term leave for rejoining duty were submitted to the management which show that the delinquent had no purposeful intention to continue his absence even after initiating disciplinary proceedings against him. On the other hand he has made all efforts to rejoin duty. It may be recalled that he was terminated from the service at a premature age of 37 in the year 1997 while he had 10 years service and as per the standing orders of the company the age of termination is 58 years. Except the allegation of unauthorised absence there is no allegations of any other misconduct against the workman during his 10 years service. Admittedly the management has condoned the unauthorised absence of some workmen who had accepted foreign employment without getting leave sanctioned from the management. No doubt according to the learned counsel for the management those workmen reported to join duty when disciplinary proceedings were initiated and also during the course of the enquiry started against them. But one cannot forget the fact that they left the company without leave and in the case of the workman he was granted three years leave and after rejecting his request for extension of leave he has made all efforts to come back to India and informed the same to the management but he was prevented from doing so due to reasons beyond his control. Therefore he also deserves to get the same treatment extended to those employees. But the management has discriminated him. In the light of the totality of circumstances stated above, I am of the view that a humanitarian consideration with sympathy and leniency is warranted in this case to meet the ends of justice. The decision of the High Court of Rajasthan in B.L. Meehwal Vs. State of Rajasthan

[2001 (3)LLN 799] is also worth noticing at this juncture. In that case while passing an order of punishment it was made clear that points such as long standing service, gravity of misconduct, under what ground misconduct was committed are requested to be considered. It is therefore necessary to take a lenient view in the matter of punishment, imposed on the workman.

VII. It is true that the management while sanctioning initial leave for the period from 5-7-'93 to 4-7-'96 made clear that if the workman do not report back for duty immediately on the expiry of the leave granted for the purpose of taking up employment abroad, his service will be deemed as terminated. It is also true that his request for extension of leave was rejected and he was reminded to rejoin duty. Further the workman committed grave mistake of entering into contract of employment with foreign employer without the consent of the management. But it is pertinent to note that at the time of granting initial leave the practice then existed was granting of leave for five years and at present it is 15 years according to the learned counsel for the delinquent which is not disputed also. But as I have found above this is a case which requires humanitarian consideration in the particulars circumstances involving here. Therefore the above contentions of management cannot be considered as very much material while considering the quantum of punishment.

VIII. The learned counsel for management placed reliance on the following decisions in support of their action in terminating the service of the workman and that no leniency is called for. The first authority cited is of the Supreme Court in *Aligarh Muslim University Vs. Manzoor Alikhan* [00(7)SCC 529]. In that case the request for extension of leave of two years was considered and the management granted extension of only one year and despite that the delinquent joined a fresh two year job in a foreign Company. But in the case before me while the delinquent entered a fresh contract of employment with the foreign employer one year leave was available in his credit. Therefore this decision according to me is not applicable as the facts are distinguishable. As a matter of fact the observation made by the apex court in para-28 of the judgement in the above case that when rules permit and provide for an employee to go abroad, discretion must be exercised reasonably while refusing extension supports the workman. This observation, according to me, is fully applicable in the instant case as sanctioned leave of one year was then available in the credit of the workman and existing practice was to grant a further extension of two more years. Hence the management ought to have allowed his request of extension of leave for 2 years. The next authority cited is also a decision of the Supreme Court in *Punjab and Sind Bank Vs. Sakattar Singh* [01(1)LLJ 174]. There, the employee defaulted in not offering explanation for unauthorised absence from duty nor placed any

material to prove that he reported for duty within 30 days of notice as required in terms of Bipartite Settlement. But in the case on end there was sufficient explanation and he has placed materials also for his absence and his inability to rejoin duty. Therefore this decision also has no application here. Now remains the 3rd authority which is a decision of the High Court of Kerala in *M.M. Rao Vs. Appellate Authority, State Bank of Travancore, Trivandrum* [02(94)FLR 1210]. That is also a case of removal from service for unauthorisedly absenting from duty. But the employee in that case went abroad without permission and unauthorisedly absented from duty. This decision is also not applicable here as the workman in this case took up foreign employment with sanctioned leave for three years and entered into fresh contract while one year leave sanctioned leave was in his credit.

IX. For the foregoing discussions, I hold that the termination of the service of the delinquent is highly excessive and requires interference from this Tribunal.

The management has no case that there is no vacancy to provide the delinquent. Further 10 years long technical experience of the workman cannot be ignored which will definitely be beneficial to the company if he is reinstated in service. It may be recalled that the management is a Government owned Company which is expected to be a model employer of course for the proved misconduct of unauthorised absence he cannot be let off without any punishment. The mental agony suffered by him for getting release from the foreign company and on account of his loss of job since 1997, plus the amount of compensation paid by him to the foreign employer and denial of back wages, would be sufficient and adequate punishment for the proved misconduct against him. Subject to that he is necessarily to be reinstated in service with continuity of service and other benefits.

X. In the result, an award is passed directing the management to reinstate the workman in service with immediate effect subject to the terms and conditions stated above.

C.N. SASIDHARAN, Industrial Tribunal

APPENDIX

Witness examined on the side of the management

Ext-M1. File containing, chargesheet, evidence witness, documents and findings of the enquiry officer.

नई दिल्ली, 14 जून, 2004

का. आ. 1616.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मारवाड़ ग्रामीण बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण, जयपुर के पंचाट (संदर्भ संख्या सीजीआईटी-जे/9/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-6-2004 को प्राप्त हुआ था।

[सं. एल.-12012/52/99-आई.आर.(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 14th June, 2004

S.O. 1616.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (CGIT-J/9/99) of the Central Government Industrial Tribunal/Labour Court, Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Marwar Gramin Bank and their workmen, which was received by the Central Government on 14-6-2004.

[No. L-12012/52/99-IR(B-1)]
AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Case No. CGIT-J/9/99.

Reference No. L-12012/52/99-IR(B-1)

1. Sh. Nand Kishore Rinwa,
S/o Sh. Ganpat Lal Rinwa,
R/o Vill. & Post Bar,
Distt. Pali (Rajasthan)
2. Sh. Koja Ram Khurkhuria,
S/o Sh. Swaroop Ram,
R/o Vill. & Post Silgaon via Khajwana,
Distt. Nagaur.
3. Marwar Gramin Bank Employees Union, Pali
Through its Secretary, Daya Ram Jat,
S/o Sh. Sona Ram, R/o Vill. Modpuria,
Post Jhintara Distt. Pali ... Applicants

Versus

1. The Chairman,
Marwar Gramin Bank,
Head Office,
Pali (Raj.)
2. The General Manager,
National Bank for Agriculture & Rural
Development, (IDD-RRCB Division),
Sterling Centre, Shivsagar Estate,
Dr. Anne Basent Road, P.B.No. 6552,
Verley, Mumbai-18

3. The Secretary,
Ministry of Finance,
Department of Economic Affairs (Banking Div.)
Jeevan Deep, Parliament Street,
New Delhi-01 ... Non-applicants

PRESENT :

- Presiding Officer : Sh. R.C. Sharma
For the applicants : Sh. R.C. Jain.
For the non-applicant : Sh. Raj Kumar
Date of award : 27-5-2004.

AWARD

1. The Central Government in exercise of the powers conferred under Clause 'D' of sub-section 1 of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) has referred the following industrial disputes for adjudication to this Tribunal which runs as under :—

"Whether the demand of the workmen S/Sh. (1) Nand Kishore Rinwa, (2) Koja Ram Khurkhuria and (3) Marwar Gramin Bank Employees Union, Pali through its Secretary Daya Ram Jat for order or direction the equation of the posts of senior Clerk cum Cashier of the Regional Rural Bank (RRBs) to the post of the Clerk cum Cashier/Clerk of the sponsored banks and fitments of the petitioner No. 1 & 2 and members of the petitioner No. 3 on the lower cadre and in lower pay be declared null and void as if it was never done, is legal, justifiable and maintainable? If so, to what relief the concerned workmen are entitled?"

2. The Applicant-Union has pleaded in the statement of claim that Applicant-Union is also connected with the All India Gramin Bank Workers Organisation and the employees of the rural banks had filed the writ petitions before the Hon'ble Supreme Court for providing them the salary and other emoluments equivalent to the employees of the national banks and while disposing of these writ petitions, the Hon'ble Court directed the Government of India to constitute the National Tribunal. On constituting the National Tribunal by the Government of India, it passed an Award on 30-4-90 and in pursuance of the direction rendered by the National Tribunal, the Government of India constituted an Equation Committee vide order dated 16-1-91. This Committee submitted its recommendations on 19-2-2001 before the Government of India, which was accepted by the Government of India vide its circular dated 22-2-91. It has been further averred that by this circular, the junior clerk cum cashiers, junior clerk cum typists, stenographers, steno-typists of the rural banks were equated to the clerk cum cashiers, clerk cum typists and stenographers respectively and the senior clerk cum cashier were equated to the post of clerical cadre

employees. Pursuant to this circular, the non-applicant bank equated its senior clerk cum cashiers to the post of clerk/clerk-cum-cashiers working in the sponsored banks and consequently provided them the pay-scale admissible to the clerk/clerk cum cashiers.

3. While challenging the aforesaid equation, the Applicant-Union has pointed out that no employee can be equated to the post having the lower pay-scale and that the post in rural banks, which had no corresponding posts in the sponsored banks were abolished and the post bearers thereof were adjusted towards the higher posts having the higher pay-scales. It has been emphatically pleaded by the Union that since the establishments of the rural banks and prior to the issuance of circular dated 22-2-91, wherever the posts were abolished, such posts were adjusted towards the higher posts and the post bearers were given higher pay-scales. Thus, it has been pointed out that the senior clerk cum cashiers of the rural banks should be equated with the higher posts of the clerk/cashiers in the clerical group of the sponsored bank. It has been further pointed out that prior to the aforesaid adjustment, no opportunity of hearing was afforded to the Applicant-Union and its connected employees, which is against the provision under Section 9-A of the Act.

4. The non-applicant no. 1, in his counter-statement, while admitting the constituting of the Equation Committee by the Government of India and the issuance of the circular dated 22-2-91 has disputed the claim of the Applicant-Union and has pointed out that the Applicant-Union is barred to raise this issue before this Court, because it had been a party before the Supreme Court and the NIT Award at the time of hearing of the cases respectively and only this issue can be raised before the Competent Authorities.

5. The non-applicant has further pleaded that the Equation Committee has equated the posts of the Senior Clerk cum Cashiers and Junior Clerk-cum-Cashiers to the clerical cadre of the sponsored bank and the pay fitment formula was proposed, which was accepted by the Government of India and the circular dated 22-2-91 was issued. It is stated that the non-applicant bank has acted in accordance with this circular. The non-applicant has also stated that pursuant to the equation of the posts, the pay of the incumbents have been fixed and no post in question was abolished. It has also been mentioned that the non-applicant bank has not changed any service condition of the incumbents.

6. On 5-8-2002, after hearing both the parties, non-applicants no. 2 and 3 were impleaded as non-applicants, who have not put their appearance before the Court. On behalf of the Applicant-Union, the affidavit of Sh. Kojja Ram, General Secretary was filed, who was cross-examined on behalf of the non-applicant. In defence, on behalf of the non-applicant, the affidavit of Sh. Murarilal

Sharma, Manager (Vigilance) was placed on the record, who was cross-examined on behalf of the workmen.

7. The Applicant-Union has brought on the record as many as 6 documents, whereas on behalf of the non-applicant, the Equation Committee Report has been placed on the record for perusal.

8. I have heard both the parties and have gone through the record.

9. The Id. representative for the Applicant-Union contents that the merger of the posts is always affected into the higher posts and higher pay-scales and this practice had been earlier followed by the rural banks. In this context, he has placed his reliance upon Ex. W-2. The Id. representative further submits that the logic adopted in merging the posts of Field Officer has not been made applicable in the present controversy and the posts of Sr. Clerks have been merged with the posts of the Jr. Clerks. He has assailed that the consideration of the Equation Committee was on hostile discrimination and it was based on extraneous grounds. According to his submission, the Committee was biased against the employees of the rural banks.

10. Arguing contra, the Id. representative on behalf of the non-applicant bank urges that the Associations of the Rural Bank Employees were present before the Equation Committee who were heard and these points could not be raised before the Committee by such associations. His next contention is that the allegation of malice as agitated on behalf of the Applicant-Union during the course of the arguments, is not mentioned in the statement of claim and it cannot be raised now. His further contention is that the Report of the Equation Committee cannot be challenged before this Tribunal and while equating the posts of the Sr. Clerk cum Cashiers to the clerical cadre of the sponsored banks, the seniority of the Sr. Clerks has been maintained and their salary has also been protected. The ground shown by the Id. representative for this equation is that the nationalised banks had not the equivalent post to that of Sr. Clerk of the RRBs, therefore, looking to the functions of both the cadres, the posts of the Sr. Clerk cum Cashiers have been equated to the clerical cadre of the sponsored banks.

11. I have bestowed my anxious consideration to the rival contentions and have carefully perused the judicial pronouncements cited before me.

12. In support of his contention that this Tribunal can consider the correctness of the recommendations of the Equation Committee, the Id. representative for the Applicant-Union has invited my attention towards the copy of the SB Civil Writ petition No. 730/1992 (Nand Kishore Rinwa & Ors. Vs. Marwar Gramin Bank & Anr.), which was filed before the Hon'ble High Court seeking the relief in question and the copy of the order dated

6-11-97 passed by the Hon'ble High Court observing that the petitioner has alternative efficacious remedy before the Industrial Tribunal. It was further observed by the Hon'ble Court that the petitioner may directly move to the appropriate Government for referring the dispute to the Central Industrial Tribunal. Relying on this order, the Id. representative submits that it is within the competence of the Tribunal to consider the prayer made by the Applicant-Union.

13. The Id. representative to fortify his contention has further referred to 1989 SCC (L & S) 106 wherein it has been observed that "The object of enacting the Industrial Disputes Act, 1947 and of making provision therein to refer disputes to tribunals for settlement is to bring about industrial peace. Whenever a reference is made by a government to an industrial tribunal it has to be presumed ordinarily that there is a genuine industrial dispute between the parties which requires to be resolved by adjudication."

14. In the light of the afore-mentioned facts and principle propounded by the Hon'ble Apex Court, I proceed to examine the justification of the demand of the workmen Sh. Nand Kishore Rinwa and Ors. as to whether the equation of the posts of Sr. Clerk cum Cashiers of the Regional Rural Banks to the post of the Clerk cum Cashier of the sponsored bank and their fitment in question are null and void.

15. The Id. representative for the Applicant-Union has stressed upon that the merger of the post is always affected in the higher post and higher pay-scale and the logic adopted in merging the post of the Field Officer has not been followed by the Equation Committee in the present controversy. His contention is that posts of Sr. Clerks have been equated with the clerical cadre of the sponsored bank, which is unjustified. On behalf of the non-applicant, the Id. representative has sought to refute this contention by arguing that in sponsored banks there was no equivalent post to Sr. Clerk and that while equating these posts, the salary of the Sr. Clerks was not fixed in the lower pay-scale.

16. Now, the question which emerges out of the aforesaid contentions of the parties is whether the Sr. Clerk cum Cashiers of the RRBs have been placed in the lower cadre in the sponsored banks.

17. On a glance of the Equation Committee's Report, it is manifest that the Committee has recommended that the Sr. Clerk cum Cashiers of the RRBs be equated with the clerical cadre employees of the sponsored bank.

18. WW-1, Sh. Koja Ram in his deposition has clearly admitted that on regulation of the pay fitment formula, he has not suffered any monetary loss.

19. The Committee has dealt with this issue at length in its Report and prior to equating the incumbents

of the post of Sr. Clerk to the clerical cadre employees of the sponsored bank, it has taken into account the comparison of the Sr. Clerks with the other cadre also.

20. The Committee has considered the equation of the post in question at paras 2.9.1 to 2.9.14. While considering the equation, the Committee had taken into account the various points relating to the documents, averments made before the Tribunal, directions rendered by the Tribunal in its award and even the submissions made by the representatives of the sponsored banks and RRBs. The Committee also considered the comparison of the Sr. Clerk cum Cashier with the Head Clerk or Special Assistant of the sponsored banks and found that the policy of appointment of Head Clerks, their duties and responsibilities were distinct than that of the Sr. Clerk cum Cashiers. On these grounds, the Sr. Clerk cum Cashiers could not be compared with the Head Clerks or the Special Assistants of the sponsored banks. It was also considered and found that the duties, responsibilities and risks of the Head Clerks/Special Assistants in sponsored banks were much higher than those of the Sr. Clerk cum Cashiers in the RRBs. The Committee also considered the equation of the Sr. Clerk cum Cashiers with the clerical cadre employees of the sponsored banks. It has noted at para 2.9.13 that as the sponsored banks have a single common scale of all its clerical staff and also common seniority, it was recommended by the Committee that the Sr. Clerk cum Cashiers would be placed above the Jr. Clerks cum Cashiers in the common seniority list of clerks in RRBs. It also recommended to provide a weightage for Sr. Clerks cum Cashiers in their fitment in the sponsored bank. It, therefore, follows that the Committee had found the justification of the equation of Sr. Clerk cum Cashier to the clerical cadre employees of the sponsored banks and had given due weightage for the Sr. Clerks cum Cashiers in their fitment in the clerical pay-scales. No reason could be assigned on behalf of the Applicant-Union which may show that the recommendations of the Committee are not well-founded.

21. Thus, the justifications in equating the post of the Sr. Clerk cum Cashier with the clerical cadre employees of the sponsored bank by the Committee clearly echoes in its Report and on account of it, the submission made on behalf of the Applicant-Union that the Sr. Clerks were placed in the lower cadre cannot be maintained.

22. It has then been contended on behalf of the Applicant-Union that MW-1 Sh. Murari Lal Sharma has admitted in his oral evidence that the pay-scales of the Sr. Clerk cum Cashier and Sr. Clerk cum Field Assistant are identical and that the post of Sr. Clerk cum Field Assistant was redesignated into the Field Supervisor, which was thereafter redesignated as Field Officer. He has also admitted that the posts of the Field Officers, Accountants and Branch Managers have been redesignated into the post of the Officer.

23. It is on the basis of this oral evidence of the management witness and Ex. W/2 that the Id. representative for the Applicant-Union has contended with force that when the pay-scale of the Sr. Clerk cum Cashiers is identical with the pay-scale of Sr. Clerk cum Field Assistants, then their post ought to have been recommended by the Committee for merging into the post of the Officers. The main grievance of the workmen, thus, appears that the benefit which was given to the Field Assistants has not been given to them.

24. But I am unable to accept this contention on the count that a peep at para 2.10.2 of the Report of the Committee speaks that for appointment of the Field Assistants, the requirement was a degree in Agricultural Science from a recognized university and the Field Assistant was redesignated with the Field Officers in BDO's office of the State Government. Thus, the mode of the recruitment to the post of the clerical cadre and to that of Field Assistants was entirely distinct and hence, the Sr. Clerk cum Cashier could not be equated with the post of the Field Assistant despite the fact that both the posts had the identical pay-scales. The Id. representative for the Applicant-Union could not be able to satisfy that the responsibilities of the Sr. Clerk cum Cashiers and Sr. Clerks cum Field Assistants were similar. Thus, the contention raised on behalf of the Applicant-Union is found to be without any substance and is negated.

25. It has also been contended on behalf of the Applicant-Union that the Committee has exercised the hostile discrimination against the Sr. Clerk cum Cashiers of the RRBs and their consideration was passed on extraneous grounds and that it was biased. The Id. representative on behalf of the non-applicant has sought to controvert the contention by arguing that the representative of the RRBs were also heard by the Equation Committee and the plea of malice has not been incorporated in the statement of claim.

26. The Committee in its Report has specifically mentioned that the representatives of sponsored banks and RRBs were heard and the pleas of the Associations were considered by it. It echoes that no such allegation of bias was raised at the time of the hearing conducted by the Committee. Apart it, on a perusal of the claim statement, it is revealed that even this plea of bias/malice has not been enshrined in the claim statement. Thus, this plea appears to be an afterthought and cannot be accepted.

27. The Id. representative for the Applicant-Union, in support of his contention, has referred to 1993 (II) LLJ SC 549. Wherein the Hon'ble Court has observed as under :

"But if the plea though not specifically raised before the subordinate tribunals or the administrative and quasi-judicial bodies, is raised before the High Court in the writ proceeding for the first time and the plea

goes to the root of the question and is based on admitted and uncontroverted facts and does not require any further investigation into a question of fact, the High Court is not only justified in entertaining the plea, but in the anxiety to do justice which is the paramount consideration of the Court, it is only desirable that a litigant should not be shut out from raising such plea which goes to the root of the lis involved."

28. In the referred case, the plea of bias was not specifically raised before the subordinate authorities, but it was raised before the High Court in the writ proceedings for the first time. But in the instant case even the plea of bias has not been incorporated in the statement of claim itself and for the first time surprisingly it has been taken during the course of the arguments. Thus, it appears to be an afterthought plea on behalf of the Applicant-Union and the facts of the referred case are not applicable. On this point, the Applicant-Union does not derive any assistance from this ruling.

29. For the foregoing reasons, the Applicant-Union has utterly failed to establish the claim of the workmen Sh. Nand Kishore Rinwa and others which deserves to be dismissed. Consequently, the reference is answered in the negative against the Applicant-Union and in favour of the non-applicant and it is held that the equation of the post of the Sr. Clerk cum Cashier of the RRBs to the post of the Clerk cum Cashier of the sponsored bank and the fitment in question are justified and maintainable. An award is passed in these terms accordingly.

30. Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

R.C. SHARMA, Presiding Officer

नई दिल्ली, 14 जून, 2004

का. आ. 1617.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या आईडी-657/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-6-2004 को प्राप्त हुआ था।

[सं. एल.-12012/130/96-आई.आर.(बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 14th June, 2004

S.O. 1617.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID-657/2001) of the Central Government Industrial Tribunal/Labour

Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 14-6-2004.

[No. L-12012/130/96-IR(B-1)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Wednesday, the 28th April, 2004

Present : K. JAYARAMAN
Presiding Officer

Industrial Dispute No. 657/2001

(Tamil Nadu Principal Labour Court
CGID No. 241/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of State Bank of India and their workman)

Between

Sri P. Palani : I Party/Petitioner

AND

The Deputy General Manager, : II Party/Management
State Bank of India, Chennai.

Appearance :

For the Petitioner : M/s Balan Haridas &
R. Kamatchi Sundaresan,
Advocates.

For the Management : Sri K.S. Sunder, Advocate.

AWARD

The Central Government, Ministry of Labour vide Notification No. L-12012/130/96/IR(B-I) dated 6-4-1999 has earlier referred this industrial dispute to Tamil Nadu Principal Labour Court, Chennai for adjudication. The Tamil Nadu Principal Labour Court has taken the same on its file as CGID No. 241/99 and issued notices to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively. After the constitution of this Central Govt. Industrial Tribunal-cum-Labour Court, the said industrial dispute was transferred to this Tribunal and after getting the records of this dispute, it

was re-numbered as I.D. No. 657/2001 and notices were issued to both sides.

2. The schedule mentioned dispute in the order of reference is as under :

"Whether the action of the management of State Bank of India, Chennai in denying regular absorption to Shri P. Palani, a Temporary Messenger though he was in continuous service under the provisions of I.D. Act, 1947 is just, proper and legal ? If not, to what relief the said workman is entitled ?"

3. The allegations in the Claim Statement of the Petitioner are briefly as follows :

The Petitioner joined the duty under the Respondent/Bank on 4-11-85 and even before that he has registered his name in Employment Exchange on 14-10-76. The Petitioner was initially engaged intermittently and thereafter the Respondent/Bank engaged the Petitioner on regular basis. But the Respondent/Bank with an ulterior motive was giving deliberate and artificial breaks. From the year 1992 the Petitioner was engaged in all the twelve months. The work discharged by the petitioner and work discharged by the permanent messenger were identical. Further the work discharged by the Petitioner is of permanent in nature. The Petitioner along with his Claim Statement has given annexure furnishing the number of days he has worked in each month from the year 1989 to 1994. Thus, the Petitioner has worked for more than 240 days in all years from the year 1989 to 1994. Since he has worked continuously in the Respondent/Bank, the weekly holidays, national holidays and other holidays declared by the Respondent/Bank has to be taken into account for calculating the number of days, the Petitioner worked in each year. Further, the Petitioner has worked for more than 480 days within a period of 24 calendar months. Thus, he is also entitled to be made permanent under section 3 of the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981. Whenever the petitioner requested the Respondent/Bank to regularise his services, the Respondent/Bank promised to do so shortly and contrary to their promise, the Respondent/Bank refused to give employment from the month of July, 1995. The Petitioner had worked for more than 240 days in a period of 12 calendar months prior to his termination and therefore, the termination amounts to retrenchment. Further, the Respondent did not comply with the provisions of Section 25 F of Industrial Disputes Act, 1947 before terminating the services of the Petitioner and therefore, the termination is illegal. Therefore, the refusal to regularise the services of the Petitioner is illegal, arbitrary and non-compliance of Section 25F and 25N of the Industrial Disputes Act. After terminating the services of the Petitioner, the Respondent employed some persons

on temporary basis and made them permanent without complying with the provisions of Section 25H of the Industrial Disputes Act. Hence, for all these reasons, the Petitioner prays that an award may be passed directing the Respondent to regularise the services of the Petitioner from the date of his appointment and also direct the Respondent to pay full back wages, continuity of service and all other attendant benefits with costs.

4. As against this, the Respondent in its Counter Statement contended that it is false to allege that the Petitioner was in continuous service of the Respondent. The Petitioner is estopped from making a claim as per his Claim Statement as he had accepted the scheme drawn under the provisions of retrenchment and implemented by the Respondent/Bank. The Petitioner has concealed the relevant facts in his Claim Statement that he could be absorbed only as per his seniority in the wait list. The Respondent/Bank was engaging temporary employees due to business exigencies for the performance of duties in subordinate cadres. Such engagements were prevailing from the year 1970 onwards resulting in hundreds of temporary employees even though there were no vacancies. These employees were claiming permanent absorption and their cases were espoused by State Bank of India staff Federation resulting in four settlements dated 17-11-87, 16-7-88, 9-1-91 and 9-6-95. In terms thereof, the Petitioner was considered for permanent absorption as per his eligibility along with similarly placed other temporary employees. He was waitlisted at S.No. 731 as per the wait list of Zonal Office, Chennai. So far 358 waitlisted temporary employees out of the waitlist were permanently absorbed in the Respondent/Bank. It is false to allege that the Petitioner was employed on 18-11-85 as temporary messenger. The Petitioner was engaged only in leave vacancies as and when it arose. In terms of the settlement referred to above, future leave vacancies and engagement against those leave vacancies are to be given only to those waitlisted temporary employees. Under clause 10 of the settlement dated 17-11-87 only the waitlisted candidates should be engaged against leave vacancies. So the Petitioner who was in wait list became eligible for being engaged and was so engaged as against leave vacancies, therefore, the allegation that he has worked for 196 days in the year 1991, 1987 days in the year 1992, 163 days in the year 1993 and 187 days in the year 1994 are totally irrelevant. The Petitioner has not worked for more than 240 days and was not in continuous service from 17-11-87 as alleged by him. Since the above settlement entered into were bona fide which were only workable solution and it is binding on the Petitioner. The claim of the Petitioner that he is entitled to the benefits of Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981 does not apply to the Respondent/Bank. After the expiry of wait list the Petitioner has no

claim for permanent absorption and hence, the claim of the Petitioner is liable to be dismissed. Hence the Respondent prays that the claim may be dismissed with costs.

5. Again the Petitioner in his rejoinder alleged that he is not aware of the settlements dated 17-11-87, 16-7-88, 9-1-91 and 9-6-95 alleged to have been entered into by the Respondent with the State Bank of India Staff Federation. In any event, in the above settlements the Petitioner was not a party and therefore, the terms of settlements will not bind the Petitioner. It is false to allege that the Petitioner worked on temporary basis on leave vacancies, on the other hand, the Petitioner, has been working as substitute messenger since 4-11-1985. The provisions of Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981 apply to the Respondent/Bank and as per that provision the Petitioner has completed 480 days in a continuous period of 24 calendar months, therefore, by operation of law the Petitioner has become a permanent employee. Hence, he prays that an award may be passed in his favour.

6. In these circumstances, the points for my consideration are :

- (i) "Whether the action of the management of Respondent/Bank in denying regular absorption to the Petitioner, a temporary messenger is just, proper and legal ?"
- (ii) "To what relief the Petitioner is entitled ?"

Point No. 1 :

7. In this case, the case of the Petitioner is that he has registered his name in the Employment Exchange in the year 1976 and in the year 1985 the Respondent bank has called for interview for the post of temporary messenger and he was selected for that post and appointed in the post of temporary substitute messenger on daily basis. But, the Respondent/Bank has deliberately given artificial breaks and the work discharged by him and the work discharged by the permanent messenger was identical, but he has not conferred with any other benefits enjoyed by the permanent messenger and the work discharged by him was permanent in nature. Thus, he has worked for more than 240 days in each year from 1989 to 1994 and further he has worked for more than 480 days within a period of 24 calendar months and he is entitled to the benefits under section 3 of the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981. But, the Respondent bank has not regularised his service and all of a sudden without any rhythm, they have terminated the services of the Petitioner in the year 1994 and therefore, the termination is illegal and the Respondent/Bank has not followed the mandatory provisions of Section 25F and 25N of the Act.

8. To establish this case, on the side of the Petitioner, the Petitioner has examined himself as WW1 and he has produced 13 documents namely Ex W1 to

W13. Out of this Ex. W4, W5, W7, W8 and W13 are copies of employment certificates given by the Respondent/Bank. Ex. W2 and W6 are copies of interview call letters given by the respondent/bank. Ex. W3 is the copy of appointment order and Ex. W9 and W10 are the notice and reply.

9. As against this, on behalf of the Respondent, it is contended that the Petitioner has not worked for 240 days in a continuous block of 12 months and therefore, there is no right or retrenchment claim as per law. The Petitioner was engaged in the leave vacancies that arose as and when the permanent employees were on leave and he was engaged as such on account of administrative exigencies. Thus, there were numerous temporary messengers who had worked for number of days ranging from 240 days in a calendar year to 30 days in any calendar year or 90 days aggregate service during 36 calendar months and therefore, it was decided to evolve a scheme taking into account the retrenchment laws. Accordingly, four settlements were entered into between the Employees Federation and the Respondent/Bank and as per the settlements, there are three categories of employees were taken and wait list was prepared on the basis of settlements and as per clause 10 of settlement, future temporary appointments were barred and however an exception was made that in case of need, temporary appointment could be resorted to on restrictive basis from among the waitlisted candidates and the Petitioner was appointed only as per the settlement and as per the wait list and therefore cannot now claim that he is entitled to the benefits under the settlement. Any how, the Petitioner has not worked for 240 days as alleged by him and therefore, the alleged rights are not available to the Petitioner.

10. On behalf of the Respondent, one Mr. N. Ramachandran, Manager of the Respondent/Bank was examined as MW1 and 7 documents Ex. M1 to M7 were marked. Out of these, Ex. M1 to M4 are copies of settlements and Ex. M5 is the copy of minutes of conciliation proceedings held by Regional Labour Commissioner (Central) Hyderabad and Ex. M6 is the copy of settlement and Ex. M7 is the wait list for the Chennai module. On behalf of the Respondent, the learned counsel for the Respondent argued that during the year 1986-87 the claims of the temporary messengers were numerous and it was decided to evolve a scheme taking into account the retrenchment laws. Accordingly, a settlement dated 17-11-87, a copy of which is marked as Ex. M1 was entered into between the State Bank of India Staff Federation and the Respondent/Bank management and as per the settlement the vacancies which are likely to arise between the years 1987 to 1991 was to be filled up as per the Ex. M1. Under the settlement, the temporary employees who have completed 240 days of temporary service in a block of 12 months or less after

1-7-75 was treated as 'A' category and temporary employees who have worked for 270 days in a continuous block of 36 calendar months was 'B' category and the temporary employees who worked for 30 days in one calendar or 70 days in a continuous block of 36 calendar months was the 'C' category and as per the settlement entered into between the parties, it was agreed that selection committee should determine the suitability of temporary employees for permanent appointment in the bank and a wait list also to be drawn in the respective categories namely A, B and C considering the length of aggregate temporary service put in between 1-7-75 to 31-12-87. Again, another settlement was executed on 16-7-88, copy of which is marked as Ex. M2 and in modification, it was agreed that the vacancies upto the year 1991 were to be filled up by appointment from the wait list to be drawn under Ex. M1 and the year 1991 was extended to 1992. Thereafter, in view of certain problems in implementing Ex. M1 and M2, another settlement was entered into between the said parties, the copy of which is marked as Ex. M3. Under that settlement, casuals and daily wagers were also included and hence for casuals a separate wait list were agreed to be finalised. Again on 27-1-1991 Ex. M4 settlement was entered into and the vacancies which were agreed to be filled up upto 1992 were extended upto the year 1994 and it was further agreed that a separate wait list was to be drawn for the temporary employees and the daily wagers and after exhausting the vacancies upto 1994 as against the wait list of temporary employees, the daily wagers list was to cater the vacancies which were likely to arise for the years 1995 and 1996 and it was also agreed that the wait list had to be lapsed as on 31-3-97. As such, for the Chennai Module the wait list was 744 and out of which 339 employees were appointed and 405 employees were not absorbed. The Petitioner's wait list position was at 731 and therefore, he could not be considered for appointment and hence he cannot claim any benefits and it is also false to state that the Petitioner has worked for more than 240 days in all the years from 1984 to 1994.

11. The learned counsel for the Petitioner argued that the Petitioner was not aware of the Settlements Ex. M1 to M4 alleged to have been entered into between the State Bank of India Employees Federation and the Respondent/Bank management. In any event, in the above settlements, the petitioner is not a party and therefore, the terms of the above said settlements will not bind the Petitioner.

12. But the learned counsel for the Respondent argued that settlements entered into between the Respondent/Bank and State Bank of India Staff Federation were under section 18(3) of the Act. Therefore, it is binding on the workmen, even though the individual has not signed in such settlements and he rely on the rulings reported in JT 1997 (9) SC 734 P.

VRUDHACHALAM AND OTHERS Vs. MANAGEMENT OF LOTUS MILLS AND ANOTHER, wherein the Supreme Court has held that "it is difficult to appreciate the contention of the petitioner that an agreement restricting the claim of layoff compensation beyond the available period of 45 days can be said to be arrived at between the workman on the one hand and the employer on the other as there is such an agreement embedded in a binding settlement which has a legal effect of binding all the workmen in the institution as per section 18(3) of the Act. Such binding effect of the embedded agreement in the written settlement arrived at during the conciliation proceedings would get telescoped into the first proviso to Section 25C(1) and bind all the workmen even though individually they might not have signed the agreement with the management or their union might not have signed such agreement with the management on behalf of its members/workmen." Relying on this judgement, the learned counsel for the Respondent argued that even though the Petitioner has not signed in the above said settlements and even though the Petitioner union has not signed, it will bind all the workmen of State Bank of India and as such, he cannot question the validity of the said settlements.

13. Again, learned counsel for the petitioner argued that even assuming for an argument sake that these settlements will bind on the Petitioner, the Respondent have not established that how the wait list had been prepared and under what basis they have prepared the list. Further, the alleged wait list Ex. M7 has not mentioned under any rule of reservation and the Respondent had also not produced any document to show on what basis they have prepared this wait list. Furthermore, in the wait list namely Ex. M7, it is not mentioned about the date of joining of duty of the employees, under such circumstances, it cannot be said that the Petitioner was in the rank of 737 in the wait list and he is not entitled to claim any seniority before the other employees. Further, the learned counsel for the petitioner argued that even assuming for argument sake that the settlements are binding on the petitioner, the wait list has not been prepared as per the settlements entered into between the parties. As per the settlement, a separate wait list has to be prepared for the temporary messengers and also daily casual labourers. But from Ex. M7, it is not clear whether they have prepared two separate lists for two categories and therefore, the wait list produced by the respondent is not valid in law.

14. As against this, the learned counsel for the Respondent argued that though these settlements were entered into in the years 1987 to 1995, nobody has questioned the same and nobody has raised any dispute with regard to settlements itself. Under such circumstances, the wait list prepared as per the settlements cannot be questioned by the petitioner.

15. But, I find there is no substance in the contention of the learned counsel for the Respondent, because even it is admitted that no dispute has been raised against these settlements, the Respondent has to establish before this Tribunal that the wait list has been prepared as per the settlement entered into and how the wait list and under what basis it has been prepared. But even the witness examined on the side of the Respondent has stated that he does not know who has prepared and under what basis it has been prepared and therefore, I am not accepting the contention of the learned counsel for the Respondent that this wait list cannot be questioned by the petitioner.

16. Again on behalf of the Petitioner, it was contended that the calculation of 240 days under section 25B of the Industrial Disputes Act, 1947 should include Sundays and other holidays and it should be treated as days of actual work and accordingly if we calculate the Sundays and other holidays, the Petitioner has worked more than 240 days in a continuous period of 12 months in a calendar year and he has relied on the rulings reported in 1985 II LLJ 539 **WORKMEN OF AMERICAN EXPRESS INTERNATIONAL BANKING CORPORATION Vs. MANAGEMENT OF AMERICAN EXPRESS INTERNATIONAL BANKING CORPORATION**. In that case, according to the workmen whose services were terminated, contended that excluding the breaks in service, he actually worked under the employer for 275 days during the period of 12 months immediately preceding 31-10-1975, whereas according to the employer, he actually worked for 220 days only. The difference between the two computation is due to circumstances that the workman has included and counted Sundays and other paid holidays as days on which he actually worked under the employer, while the employer has not done so. The question for consideration arose before the Supreme Court that as to whether Sunday and other holidays for which wages are paid under the law by contract or statute should be treated as days on which the employee actually worked under the employer for the purposes of Section 25F read with Section 25B of the Industrial Disputes Act, 1947. The Supreme Court in that case held that "Section 25F of the Industrial Disputes Act is plainly intended to give relief to retrenched workmen. The qualification for relief under section 25F is that he should be a workman employed in an industry and he has been in continuous service for not less than one year under an employer. What is continuous service has been defined and explained in Section 25B of I.D. Act. In the present case, the provision which is of relevance is Section 25B(a)(ii) which to the extent that it concerns us, provides that a workman who is not in continuous service for a period of one year shall be deemed to be in continuous service for a period of one year if the workman, during a period of twelve calendar months preceding the date with reference to which the calculation is to be made, has

actually worked under the employer for not less than 240 days. The expression which we are required to construe is 'actually worked under the employer'. This expression, according to us, cannot mean those days only when the workman worked with hammer, sickle or pen, but must necessarily comprehend all those days during which he was in the employment of the employer and for which he has been paid wages either under express or implied contract of service or by compulsion of statute, standing orders etc. The learned counsel for the management would urge that only those days which are mentioned in Explanation to Section 25B(2) should be taken into account for the purpose of calculating the number of days on which the workmen had actually worked though he had not so worked and no other days. We do not think that we are entitled to so constrain the construction of expression 'actually worked under the employer'. The explanation is only clarificatory as all explanations are and cannot be used to limit the expanse of the main provision. If the provision, actually worked under the employer is capable of comprehending the days during which the workman was in employment and was paid wages and we see no impediment to so construe the expression—there is no reason why the expression should be limited by the explanation. To give it any other meaning then what we have done would bring the object of Section 25F very close to frustration. It is not necessary to give examples of how Section 25F may be frustrated as they are too obvious to be stated". Relying on this rulings, the learned counsel for the Petitioner argued that under Ex. W13 the Respondent bank has given employment certificate to the Petitioner, wherein from July, 1994 to June, 1995, if we calculate the days worked by the petitioner, it will come to 223 days and if we calculate Sundays and other holidays it will come more than 275 days. Under such circumstances, the Petitioner has deemed to have worked more than 240 days and therefore, he should be made permanent as per the provisions of Industrial Disputes Act. He further argued that the Petitioner has worked from 1985 to 1994 and even if in any one year he has worked more than 240 days, he is entitled to the benefits of I.D. Act and he relied on the rulings reported in 2003 8 SCC 334 U.P. DRUGS & PHARMACEUTICALS CO. LTD. Vs. RAMANUJ YADAV AND OTHERS, wherein the Respondent workmen alleged to have worked under the appellant company for more than 240 days from the year 1983 to 1986 but they did not actually work for 240 days for the period from 1-4-86 to 31-3-87 and the appellant management directed the respondents to cease the work w.e.f. 31-3-87. In that the High Court has held that since the workmen had completed 240 days in the earlier calendar years preceding 12 months on the date of retrenchment, they were deemed to be in continuous service and hence their termination in violation of Section 6N of U.P. Act was illegal. Upholding the said decision

of the High Court, the Supreme Court has held that "interpretation propounded for the appellant is wholly untenable. If the view point propounded by the management is accepted, then every year the workman would be required to complete more than 240 days. If in any one year the employer gives him actual work for less than 240 days, the service of the workman can be terminated without compliance with section 6N of U.P. Act, despite his having worked for a number of years and for more than 240 days in each year except the last. Such an intention cannot be attributed to the U.P. Act." Relying on this judgement, the learned counsel for the Petitioner argued that under Ex. W7 from May, 1991 to April, 1992 if we calculate the number of days worked by the Petitioner, it will come to 270 days. Thus, the Petitioner has worked for more than 240 days as per provisions of I.D. Act and therefore, he should be regularised.

17. But as against this, the learned counsel for the Respondent argued that though on the side of the Petitioner, it was contended that the Petitioner has worked more than 240 days it is only because of the Clause 10 mentioned in Ex. M1. As per Clause 10 of Ex. M1 dated 17-11-87, it is mentioned "henceforth there will be no temporary appointments in the subordinate cadre. However, in the case of sweepers, (where scavengers cannot be used as replacements) or watch and ward staff, temporary appointment could be resorted to on restrictive basis from amongst empanelled candidates as per existing guidelines of the bank" and in terms of the said provision, the future vacancies and engagement was to be made only from the wait list as per the seniority and the Petitioner was engaged as temporary employee against leave and transitory vacancies, till the regular vacancies were filled up from the wait list and therefore, he has worked in the year 1991 for 196 days, in the year 1992 for 187 days and in the year 1993 for 163 days and in the year 1994 for 187 days. Since the Petitioner who was waitlisted under settlement accepted the terms of settlement and was accordingly engaged with clear understanding that such engagement shall not entitle the Petitioner with any right under law and his rights if any were to be traced under the said settlements. Under such circumstances, the Petitioner cannot claim any right under TNIE (conferment of permanent status to workmen) Act and his right cannot prevail over the persons placed above him in the wait list. It is clear that his name finds place only in the rank of 737 and in such circumstances, he cannot claim any right under the Act. If there is no settlement, he will not be engaged as temporary employee in these years and therefore, he is estopped from questioning the settlements entered into namely Ex. M1 to M4 and therefore, the Petitioner is not entitled to any relief as claimed by him.

18. But, I am not accepting the contention of the Respondent because, even though it can be contended that the settlements are binding on the Petitioner, it cannot be said that he is not entitled to claim the right given by statute. Further, in the settlement under Ex. M1 to M7 it is not stated that rights under law cannot be claimed by the employees i.e. to say even after working for 240 days by the employees, they cannot claim any right under the statute. Therefore, I find the Petitioner has worked for more than 240 days in a continuous period of one year preceding his termination. Under such circumstances, I find this point in favour of the Petitioner.

Point No. 2 :

The next point to be decided in this case is to what relief the Petitioner is entitled ?

19. In view of my foregoing findings, I direct the Respondent/Bank to reinstate the Petitioner Sri B. Palani into service from the date of this Award and the Respondent should give the Petitioner consequential service benefits except back wages and the Petitioner is entitled to the wages from the date of reinstatement. I find the Petitioner is not entitled to back wages. No costs.

20. Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open Court on this day the 28th April, 2004.)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

For the I Party/ Workman : WW1 Sri P. Palani

For the II Party/
Management MW1 Sri N.
Ramachandran

Documents Marked :—

For the I Party/Workman :—

Ex. No.	Date	Description
W1	01-12-75	Xerox copy of the transfer certificate of the Petitioner
W2	14-10-85	Xerox copy of the interview call letter
W3	31-10-85	Xerox copy of the appointment order
W4	28-06-86	Xerox copy of the Employment certificate issued by Respondent
W5	12-08-88	Xerox copy of the Employment certificate issued by Respondent
W6	26-07-89	Xerox copy of the Interview call letter

W7	20-01-93	Xerox copy of the Employment certificate issued by Respondent
W8	21-01-95	Xerox copy of the Employment certificate issued by Respondent
W9	07-09-95	Xerox copy of the legal notice
W10	08-02-96	Xerox copy of the reply to legal notice
W11	21-10-95	Xerox copy of the 2A petition
W12	08-04-96	Xerox copy of the reply filed by Respondent
W13	23-10-97	Xerox copy of the Employment certificate issued by Respondent

For the I Party/Management :—

Ex. No.	Date	Description
M1	17-11-87	Xerox copy of the settlement
M2	16-07-88	Xerox copy of the settlement
M3	27-10-88	Xerox copy of the settlement
M4	09-01-91	Xerox copy of the settlement
M5	09-06-95	Xerox copy of the minutes of conciliation
M6	30-07-96	Xerox copy of the settlement
M7	02-05-92	Xerox copy of the wait list for Chennai module

नई दिल्ली, 14 जून, 2004

का. आ. 1618.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दी बैंक ऑफ राजस्थान के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, जोधपुर के पंचाट (संदर्भ संख्या आई.डी.-14/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-6-2004 को प्राप्त हुआ था।

[सं. एल.-12012/415/2001-आई.आर.(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 14th June, 2004

S.O. 1618.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID-14/2002) of the Industrial Tribunal/Labour Court, Jodhpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of The Bank of Rajasthan and their workmen, which was received by the Central Government on 14-6-2004.

[No. L-12012/415/2001-IR(B-1)]
AJAY KUMAR, Desk Officer

अनुबन्ध**औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय,
जोधपुर**

पीठासीन अधिकारी : श्रीमति निशा गुप्ता, आर.एच.जे. एस

केन्द्रीय औ.वि.सं : 14/2002

हुकमाराम सिरवी पुत्र श्री भैराराम सिरवी, रतन कुँवा के पास

सोजतीगेट बिलाड़ा, जिला जोधपुर

...प्रार्थी

बनाम1. प्रबन्ध निदेशक दी बैंक ऑफ राजस्थान,
पंजीकृत कार्यालय क्लाक टॉवर उदयपुर।2. शाखा प्रबन्धक, दी बैंक ऑफ राजस्थान,
किशनलाल मास्टर रोड, नई सड़क बिलाड़ा,
जिला जोधपुर।

...अप्रार्थीगण

उपस्थिति :

(1) प्रार्थी प्रतिनिधि श्री ऐ.के. आचार्य उप.

(2) अप्रार्थी प्रतिनिधि श्री पी.के. भेसाली उप.

अधिनिर्णय

दिनांक 6-2-2004

श्रम मंत्रालय, भारत सरकार, नई दिल्ली ने अपनी अधिसूचना क्रमांक एल. 12012/415/2001 दिनांक 19-4-2002 से निम्न विवाद वास्ते अधिनिर्णय इस न्यायालय को प्रेषित किया है :

“क्या प्रार्थी श्रमिक श्री हुकमा राम पुत्र श्री भैराराम सिरवी लिपिक को उसके नियोजक, प्रबन्ध निदेशक दी बैंक ऑफ राजस्थान लिमिटेड केन्द्रीय कार्यालय, सी-3 सरदार पटेल मार्ग, जयपुर द्वारा श्रमिक की सेवापृथकी दिनांक 29-8-80 के पश्चात् औद्योगिक विवाद अधिनियम 1947 की धारा 25-एच के अन्तर्गत पुनः नियोजन हेतु खरीयता नहीं दिया जाना उचित एवं वैध है ? यदि नहीं तो श्रमिक अपने नियोजक से किस प्रकार की राहत पाने का अधिकारी है ?”

प्रार्थी ने अपना माँग-पत्र प्रस्तुत किया जिसका जवाब अप्रार्थी की ओर से पेश किया गया, माँग-पत्र के समर्थन में प्रार्थी ने अपना शपथ-पत्र प्रस्तुत किया व अपने समर्थन में रूपसिंह परिहार का शपथ-पत्र प्रस्तुत किया तथा एक शंभुसिंह का भी शपथ-पत्र प्रस्तुत किया तथा अप्रार्थी की ओर से विजयचन्द वैद्य का शपथ-पत्र प्रस्तुत किया गया व यह प्रकरण वास्ते जिरह प्रार्थी हेतु दिनांक 3-1-2004 को नियत किया गया लेकिन प्रार्थी दिनांक 3-1-2004, 6-1-2004, 16-1-2004, 5-2-2004 व आज भी जिरह हेतु उपस्थित नहीं है। प्रार्थी बावजूद कई अवसरों के जिरह हेतु उपस्थित नहीं हुआ है जिससे यही प्रतीत होता है कि वह इस प्रकरण को अब आगे चलाने में रुचि नहीं रखता है तथा उसके व अप्रार्थी के मध्य अब कोई विवाद शेष नहीं रह गया है। अतः समस्त तथ्यों एवं परिस्थितियों को देखते हुए इस

प्रकरण में कोई विवाद नहीं रह जाने का अधिनिर्णय (नो डिसप्यूट एवार्ड) पारित किया जाता है।

यह अधिनियम आज दिनांक 6-2-2004 को खुले न्यायालय में हस्ताक्षर कर सुनाया गया।

निशा गुप्ता, न्यायाधीश

नई दिल्ली, 15 जून, 2004

का. आ. 1619.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राजस्थान स्टेट माईन्स एण्ड मिनरल्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, जोधपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-06-2004 को प्राप्त हुआ था।

[सं. एल.-29012/100/2000-आई.आर.(एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 15th June, 2004

S.O. 1619.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jodhpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management Rajasthan State Mines & Minerals Ltd. and their workman, which was received by the Central Government on 14-06-2004.

[No. L-29012/100/2000-IR(M)]

B. M. DAVID, Under Secy.

अनुबन्ध**औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय,
जोधपुर**

पीठासीन अधिकारी : श्रीमती निशा गुप्ता, आर.एच.जे. एस.

औ. वि. (केन्द्रीय) सं. : 20/2001

श्रीमती दमी पत्नी श्री तगाराम जाति भील निवासी गांव रामगढ़

जिला जैसलमेर

...प्रार्थीनी

बनाम

राजस्थान स्टेट माईन्स एण्ड मिनरल्स लिमिटेड

...अप्रार्थी

उपस्थिति :

(1) प्रार्थी प्रतिनिधि श्री एल. डी. खत्री उप.

(2) अप्रार्थी प्रतिनिधि श्री खेमराम चौधरी उप.

अधिनिर्णय

दिनांक 27-1-2004

श्रम मंत्रालय, भारत सरकार, नई दिल्ली ने अपनी अधिसूचना क्रमांक एल. 29012/100/2000 दिनांक 24-1-2001 से निम्न विवाद वास्ते अधिनिर्णय इस न्यायालय को प्रेषित किया है :

"Whether the termination of services of Smt. Dami W/o Shri Tagaram Ex. Sahayak Karamchari by the management of RSMDC Ltd., Jaipur by way of Voluntary Retirement Scheme w.e.f. 30-9-1977 is legal and justified? If not to what relief is workman concerned entitled?"

प्रार्थीया ने मांग-पत्र प्रस्तुत करते हुए अधिकथित किया कि अप्रार्थी ने प्रार्थीया को सोनू लाईम प्रोजेक्ट पर मजदूरों की आवश्यकता होने पर प्रार्थीनी को अस्थाई तौर पर नियुक्ति दी जो आज से 9-10 वर्ष पूर्व दी गई, प्रार्थीनी का कार्य सन्तोषजनक होने पर अप्रार्थी ने प्रार्थीनी को आर.एम.डब्ल्यू. के पद पर नियमित कर दिया। प्रार्थीनी को अवैध रूप से सेवा से निष्कासित करने हेतु अप्रार्थी ने अपने अधिकारियों से षड्यंत्र रचकर अप्रार्थी द्वारा जारी 12-9-90 की वी.आर.एस. स्कीम के अन्तर्गत प्रार्थना-पत्र मांगे व प्रार्थनी को यह लालच दिया कि यदि वह उस योजना के अन्तर्गत प्रार्थना-पत्र पेश कर दे तो उसके पति तगराम जिनका कि सोनू लाईम स्टोन से स्थानान्तरण जिप्सम परियोजना हनुमानगढ़ किया गया है को पुनः स्थानान्तरण सोनू कर दिया जायेगा, इस आश्वासन पर प्रार्थीनी ने दिनांक 3-9-97 से स्वैच्छिक सेवानिवृत्ति हेतु सशर्त प्रार्थना-पत्र पेश किया लेकिन अप्रार्थी ने उक्त प्रार्थना-पत्र को पूर्ण रूप से स्वीकार नहीं कर आंशिक रूप से स्वीकार कर प्रार्थीनी को जबरदस्ती नौकरी से निकाल दिया जिसके तहत प्रार्थीनी को 20,000 रुपये ही चुकाये व प्रार्थीनी के पति का हनुमानगढ़ से सोनू स्थानान्तरण नहीं किया, जिसपर प्रार्थीनी ने 17-11-97 को स्वैच्छिक सेवानिवृत्ति प्रार्थना-पत्र स्वीकार नहीं करने की प्रार्थना की लेकिन प्रार्थीनी के प्रार्थना-पत्र पर गौर नहीं करते हुए प्रार्थीनी को बिना कोई नोटिस दिये, बिना किसी सुनवाई का मौका दिये सेवामुक्त कर दिया। अन्त में निवेदन किया कि प्रार्थीनी की सेवामुक्ति को अपास्त किया जाकर प्रार्थीनी को पुनः सेवा में लिये जाने का आदेश पारित किया जावे तथा सेवानिवृत्ति तिथि से आज तक लगातार सेवा में मानते हुए प्रार्थीनी को स्थायी घोषित किये जाने का अधिनिर्णय पारित किया जावे।

अप्रार्थी की ओर से जवाब में कहा गया कि प्रार्थीनी को प्रारम्भ में दैनिक मजदूरी पर रखा तथा बाद में उसे आर.एम.डब्ल्यू. के पद पर नियमित किया। अप्रार्थी ने प्रार्थीया से स्वैच्छिक सेवानिवृत्ति हेतु प्रस्तुत प्रार्थना-पत्र को स्वीकार करते वक्त उसके साथ कोई षड्यंत्र, धोखा नहीं किया प्रार्थीया ने स्वैच्छिक सेवानिवृत्ति योजना को भली-भाँति समझकर स्वेच्छा से बिना किसी दबाव के स्वैच्छिक सेवानिवृत्ति हेतु प्रार्थना-पत्र 3-9-97 को प्रस्तुत कर 30-9-97 से स्वैच्छिक सेवानिवृत्त करने की प्रार्थना की जिसको निगम ने स्वीकार कर प्रार्थीया को 30-9-97 को स्वैच्छिक सेवानिवृत्ति प्रदान कर सेवामुक्त कर दिया, प्रार्थीया को इस योजना के अन्तर्गत मिलने वाले समस्त लाभों से लाभान्वित किया तथा कानूनी रूप से मिलने वाली रकम का भुगतान प्रार्थीया को कर दिया गया, अब प्रार्थीनी की कोई रकम अप्रार्थी निगम में बकाया नहीं है, स्वैच्छिक सेवानिवृत्ति के प्रार्थना-पत्र को स्वीकार करने से पूर्व प्रार्थीया को नोटिस देने व उसे सुनने का मौका दिये जाने का कोई प्रावधान नहीं है, स्वैच्छिक सेवानिवृत्ति आदेश विधि सम्मत है जिसे पारित करने में अप्रार्थी ने किसी प्रकार की त्रुटी नहीं की है। अन्त में निवेदन किया कि प्रार्थीया का मांग-पत्र सव्यय खारिज किया जावे।

प्रार्थीया ने मांग-पत्र के समर्थन में स्वयं का शपथ-पत्र प्रस्तुत किया जिसपर अप्रार्थी प्रतिनिधी द्वारा जिरह की गई तथा अप्रार्थी की ओर से त्रिभुवन राय ठाकोर का शपथ-पत्र प्रस्तुत किया जिसपर प्रार्थी प्रतिनिधी द्वारा जिरह की गई। दोनों पक्षों की ओर से विभिन्न दस्तावेजात की प्रतियां पेश की गई।

दोनों पक्षों के प्रतिनिधीगण की बहस सुनी, पत्रावली का अवलोकन किया।

प्रार्थीनी द्वारा यह कहा गया है कि उसने विपक्षी के अधीन लगातार सेवा दी, उसने स्वैच्छिक सेवानिवृत्ति का प्रार्थना-पत्र दिया परन्तु वह सशर्त था, शर्तों की पालना न करते हुए उसे सेवा से पृथक् कर दिया जो कि त्रुटीपूर्ण है।

विपक्षी द्वारा यह कहा गया कि प्रार्थीनी ने सेवानिवृत्ति का प्रार्थना-पत्र स्वेच्छा से दिया था जिसे स्वीकार किया जाकर उसे सेवामुक्त किया जा चुका है उसने राशि प्राप्त कर ली है और अब कोई आपत्ति उसकी पोषणीय नहीं है।

प्रार्थीनी का अपनी जिरह में यह कथन है कि इस्तीफे के कागज पर मेरे से धोखे से अंगूठा करवाया था परन्तु धोखे की कोई शिकायत की हो, ऐसी स्थिति नहीं है, 20,000 रुपये मिलना स्वीकार करती है। विपक्षी की ओर से भुगतान के कागजात प्रदर्श-1 से 5 पेश हुए हैं। विपक्षी की ओर से त्रिभुवन राय ठाकोर विधि सहायक पेश हुए हैं। स्वयं प्रार्थीनी की ओर से स्वेच्छा से सेवानिवृत्ति प्रार्थना-पत्र पत्रावली पर प्रस्तुत किया गया है। प्रार्थीनी का मांग-पत्र में यह भी कथन है कि उसने त्याग-पत्र वापस लेने का प्रार्थना-पत्र दिया था, प्रार्थीनी को 30-9-97 को ही कार्यभार मुक्त किया जा चुका था और उसका त्याग-पत्र स्वीकार कर लिया गया था, उसके पश्चात् 3-12-97 व 17-11-97 को दिये गये प्रार्थना-पत्रों का कोई महत्व नहीं रह जाता।

प्रार्थीनी का यह कथन है कि प्रार्थना-पत्र में वर्णित उसकी शर्तें पूरी नहीं की गई परन्तु यह स्पष्ट है कि सेवानिवृत्ति के लिए विशिष्ट स्कीम बनाई गई थी और उस स्कीम के अन्तर्गत ही प्रार्थीनी द्वारा प्रार्थना पत्र दिया गया था ऐसी स्थिति में शर्तें पूरी न होने का कथन पूरी तरह आधारहीन है और जब प्रार्थीनी की शर्तें पूरी नहीं हुई थी तो उसे अपना त्याग-पत्र वापस ले लेना चाहिये था अथवा वह सेवानिवृत्ति के फलस्वरूप मिलने वाले परिलाभ प्राप्त करने से इन्कार कर सकती थी परन्तु प्रार्थीनी की ओर से ऐसा कृत्य नहीं किया गया। ऐसी स्थिति में प्रार्थीनी का यह कहना कि शर्तें पूरी नहीं हुई हैं, आधारहीन है।

इस प्रकार जब स्वयं प्रार्थीनी ने स्वैच्छिक सेवानिवृत्ति का प्रार्थना-पत्र दिया था, उसी के अनुसरण में प्रार्थीनी को सेवामुक्त किया गया है ऐसी स्थिति में प्रार्थीनी अब इस पर कोई आपत्ति करने से बाधित है। ऐसी स्थिति में जब स्वयं प्रार्थीनी ने सेवानिवृत्ति हेतु प्रार्थना-पत्र दिया जिसे विपक्षी द्वारा स्वीकार किया गया है और उसके अनुसरण में प्रार्थीनी ने सेवानिवृत्ति के परिलाभ प्राप्त कर लिये हैं तो अब वह इसपर कोई आपत्ति नहीं कर सकती, इस संबंध में विपक्षी की ओर से एस.बी. सिविल रिट पिटीशन नम्बर 3650/98 अम्बाबा बनाम आर.एस.एम.डी.सी. का निर्णय पेश किया जिसमें स्पष्ट किया गया है

कि जहां प्रार्थनी ने सेवानिवृत्ति के सम्बन्ध में परिलाभों को प्राप्त कर लिया है तो वह सेवानिवृत्ति के आदेश को चुनौती नहीं दे सकता। इस प्रकार प्रार्थनी के प्रार्थना-पत्र के आधार पर सेवानिवृत्ति स्कीम के अन्तर्गत प्रार्थनी को सेवानिवृत्त करना किसी प्रकार अनुचित और अवैध नहीं है।

प्रार्थनी का यह तर्क है कि वह निर्धारित योग्यता नहीं रखती थी और इस कारण उसकी सेवानिवृत्ति नहीं हो सकती, परन्तु यह तर्क मान्य नहीं है, जिन व्यक्तियों की दस वर्ष की सेवा पूर्ण नहीं हुई उन पर भी स्कीम को लागू किया गया है, इस स्थिति में प्रार्थनी निर्धारित योग्यता नहीं रखती हो ऐसी स्थिति नहीं है और जब स्वयं प्रार्थनी ने स्वेच्छा से सेवानिवृत्ति हेतु प्रार्थना-पत्र प्रस्तुत किया तो उसका यह कहना कि वह निर्धारित योग्यता नहीं रखती, पूरी तरह महत्वहीन हो जाता है।

अतः प्रार्थनी की सेवानिवृत्ति उचित और वैध है और प्रार्थनी कोई अनुतोष पाने की अधिकारी नहीं है।

अधिनिर्णय

अतः यह अधिनिर्णीत किया जाता है कि राजस्थान स्टेट माइन्स एण्ड मिनरल्स लिमिटेड द्वारा श्रीमती दमी पत्नि श्री तगाराम भील को उसके प्रार्थना-पत्र के आधार पर सेवानिवृत्ति स्कीम के अन्तर्गत सेवानिवृत्त करना किसी भी प्रकार अनुचित और अवैध नहीं है। अतः प्रार्थनी अप्रार्थी से कोई अनुतोष प्राप्त करने की अधिकारिणी नहीं है।

निशा गुप्ता, न्यायाधीश

नई दिल्ली, 15 जून, 2004

क्रा. आ. 1620.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान सॉल्ट माइन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट (संदर्भ संख्या 100/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-5-2004 को प्राप्त हुआ था।

[सं. एल.-42011/6/95-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 15th June, 2004

S.O. 1620.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 100/95) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Hindustan Salt Mine and their workmen, which was received by the Central Government on 18-05-2004.

[No. L-42011/6/95-IR-(M)]
B.M DAVID, Under Secy.

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, CHANDIGARH

Presiding Officer : Shri S.M. Goel.

Case No. ID 100/95

General Secretary, Drang, Guma Khan Mazdoor Union, Sundernagar, Distt. Mandi, H.P.—Applicant

Vs.

1. Chairman, Hindustan Salt Mine, Ram Singh Road, Jaipur (Rajasthan).

2. Mine Manager,

H.S. M. Ltd. Unit Mandi,

Himachal Pradesh.—Respondents.

APPEARANCES

For the Workman : Shri Dhani Ram

For the Management : Shri R.L. Kaith

AWARD

(Passed on 5-3-2004)

1. Central Govt. vide Notification No. L-42011/06/95-IR (D)(Misc.) dated 5th December, 1995 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of M/s Hindustan Salts Ltd. represented through 1. The Chairman, Hindustan Salts Ltd., Ram Singh Road, Jaipur. 2. The Mine Manager, Drang Guma Salts Mine Unit, Distt. Mandi (HP) in not designating the workman employed in their Drang and Guma Salts Mines in Distt. Mandi (H.P.) by the trade/work done by them and instead designating them as semi-skilled, unskilled and skilled, is legal and just, if not to what relief the workman are entitled to” ?

2. In the claim statement the union has claimed that the mine is covered under the Mines Act, 1952 and certified standing orders are applicable on the service conditions of the workman. It is further pleaded that the workmen working in the mine are not categorised although they are performing the specific duties to designate the workmen working in the Mine as driller, blaster, compressor operator, fitter and beldar, chowkidar. It is further pleaded that the workmen mentioned in the claim statement are working in the mine since 5 to 20 years and the management has not given them particular designation. The union prayed that the management be directed to categorise the workers according to the work they are performing from the date of the demand notice dated 15-3-1994.

3. In the written statement it is pleaded that the workmen working in the unit have been properly categorised as unskilled, semi-skilled and skilled and their placement is in consonance with the schedule framed by the appropriate govt. under the Minimum Wages Act. The designation given in the claim statement is totally denied. It is further pleaded that the management has classified the workers as given above and the relief claimed by the workmen is imaginative and the same deserved to be rejected.

4. Replication was also filed reiterating the claim made in the claim statement.

5. In evidence both the parties filed their affidavits and also examined and cross-examined the witnesses of the parties.

6. I have heard and learned rep. of the parties and have also gone through the record of the case. The demand of the union is that the workers working in the unit should be categorised according to the work which they are performing. It is the main argument of the learned rep. of the workman that specific work is being taken from the workers but they are not designated as per the work performed by them. All are classified as unskilled, semi-skilled and skilled. On the other hand, the rep. of the management has argued that the designation can not be given to the workers as the specific work is not distributed amongst the employees and it require specific qualification for the particular post which is not available with the workers. He has further argued that particular designation require particular qualification for the post and eligible criteria should also be there with the workers, for granting the particular designation and category.

7. I have gone through the submission/arguments of the learned rep. of the parties. It is admitted case of the parties that these workers are working in the mine for the last many years and they were not classified according to the work which they are performing. The management categorised these workers into the categories of unskilled, semi-skilled and skilled workers which is against the principle of equity. In my considered opinion, if a particular workman is holding the essential qualification for the work which he is performing then the management should have allot him the designation according to the work which he is performing I find no ground to deny this right to the workers who are performing the particulars nature of job and holding the requisite qualification for the post. Therefore, the management is directed to categorised the workers who are performing the particular duty if they are holding requisite qualification for the particular post from the date of the passing of the Award. In a way reference is answered, in favour of the workmen. Central Govt. be informed.

Chandigarh
Camp Mandi,
5-3-2004

S.M. GOEL, Presiding Officer

नई दिल्ली, 15 जून, 2004

का. आ. 1621.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान सॉल्ट लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट (संदर्भ संख्या 76/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-5-2004 को प्राप्त हुआ था।

[सं. एल.-29011/7/90-आई. आर. (विविध)]

बी.एम.डेविड, अवर सचिव

New Delhi, the 15th June, 2004

S.O. 1621.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 76/90) of the Central Government Industrial Tribunal-cum-labour Court, Chandigarh as shown in the Annexure in the industrial Dispute between the employers in relation to the management of Hindustan Salt Ltd. and their workmen, which was received by the Central Government on 18-05-2004.

[No. L-29011/7/90-IR(M)]

B.M DAVID, Under Secy.

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, CHANDIGARH

Presiding Officer : Shri S.M. Goel.

Case No. ID. 76/90

General Secretary, Drang, Salt Labour Union, S-1/51,
H.O. Sundernagar, H.P.—Applicant

Vs.

Mine Manager, Hindustan Salt Ltd. Mandi (HP)
—Respondent

APPEARANCES

For the Workman : Shri Dhani Ram

For the Management : Shri R.L. Kaith

AWARD

(Passed on 5-3-2004)

Central Govt. vide Notification No. L-29011/7/90-IR(D) dated 8th of June 1990 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Hindustan Salts Ltd Mandi (HP) in denying regular scale of pay to unskilled daily rated workmen is justified. If not, what relief are the workmen concerned entitled to?"

and

"Whether the action of the management of M/s Hindustan Salts Ltd Mandi (HP) in denying pension to their regular employees at their Drang and Goma Mines is justified. If not, what relief are the workmen concerned entitled to?"

2. Today rep. of the workman, Dhani Ram made the statement that as EPF Scheme has been introduced from 16-11-1995, the Central Govt. have allowed pensionary benefits to all the workmen as per the scheme, the demand of pension mentioned in the form of reference is not pressed. In view of the statement of the rep. of the workman, the second demand regarding pension is thus dismissed as withdrawn and there exists no reference from now regarding the demand of pension.

3. Regarding the demand of regular pay scale to unskilled daily rated workman, the union has filed the claim statement *inter-alia* pleading therein that all the workmen are daily rated since more than 20/30 years and their services were regularised in the year 1970 but they were not given regular pay scale. It is further pleaded that the respondent is Govt. of India undertaking and supervisory staff and officer staff are getting the pay scales but two categories are not given the regular pay scale. It is further pleaded that some of the workers were given the pay scale and the names of Lekh Ram peon, Keham Chand driver, Jiwan Singh Electrician and other but the workmen mentioned in the claim statement were not given the pay scale which are about 38 workmen. It is also pleaded that the Union and the management come into settlement before the A.C.C. regarding regularisation of service who have completed three years of continuous service. It is also pleaded that these 38 workmen who are in unskilled category may be allowed pay scale w.e.f. 1980 plus ADA and other benefits which are available to the Central Govt. employees.

4. In the written statement the management pleaded that the similar dispute was raised by the Union and the reference was adjudicated vide award dated 25-11-1988. It is pleaded that the demand of the Union is for fair wages and the same is linked with the capacity of the employer to pay. The over-all financial position as well as the financial position of the Mandi Unit does not warrant any increase in the financial liability of the company which is going in loss and it does not warrant the continuous of the employment of the concerned workmen. It is also pleaded that respondent management is not Govt. department and it is required to function on commercial lines. The demand of the Union for giving them regular pay scale in accordance with the 4th pay commission is neither justified nor legal. In case the demand of the union is accepted, the same will add to the losses and will not be a workable solution to run the company and it is prayed that since the company is running into losses, therefore, the Management cannot

fulfil the demand of the union for grant of regular pay scale and prayed for the rejection of the demand of the Union regarding granting of regular pay scale.

5. Replication was also filed by the Union reiterating the claim made in the Claim Statement.

6. In evidence the Union produced Mohan Lal, as WW1 who filed his affidavit Ex. W1 and the documents W2 to W14. The Union also produced Dhani Ram as WW2 who filed his affidavit Ex. W15. In rebuttal the management produced P. P. Bhargava as MW1 who filed his affidavit Ex. M1 and documents Ex. M2 to Ex. M4 and Shri C. L. Malhotra MW2 who file his affidavit Ex. M5 and Award of Himachal Labour Tribunal Ex. M6 and Financial implication Ex. M7

7. I have heard the Learned representative of the parties and gone through the documents, evidence and other record of the case. The main argument of the Learned representative of the workman is that 38 workers mentioned in the claim statement are working on daily rate basis for the last 20/30 years and the management is not paying them the pay scales although they were working in the mines, other staff employed in the office in supervisory and clerical cadre are being paid regular pay scale as granted by the Central Govt. from time to time. It is further argued by the Learned Representative of the workman that discrimination cannot be made in the same establishment and the workmen are entitled for regular scale as the Govt. of Himachal Pradesh already implemented and given the pay scales to its daily rated workers. On other hand the Learned Rep. of the Management has argued that the workman was made regular but the scale wages cannot be given to them in view of the weak financial position of the Company, and if minimum pay in the pay scale is allowed there may be a situation that the Company may be closed. It is further argued that the demand of the unskilled daily rated workers was already turned down by the Industrial Tribunal, Himachal Pradesh and its award become final, therefore, workmen cannot now agitate for the same demand. It is further argued that Respondent is a Govt. of India Company and it is required to function on Commercial lines, therefore, the demand of scale wages cannot be acceded to by the Management as the company is running in losses. It is further argued that being a Model Employer the Management would be happy to allow the scale wages if the Financial position of the Company would be better.

8. I have gone through the rival contentions of the learned representatives of the parties. The workmen are working in the mine for the last 20/30 years and there are being paid D.C. rates as wages and they have been denied scale wages by the Management. It is admitted case of the Management that the other set of employees working in the office like clerical, supervisory and Peons etc. are allowed scale wages but these applicants were denied the

scale wages. It is also admitted case that there was a settlement between the parties according to which the applicants would be made permanent but they were not granted regular scale wages as being given to the other set of employee working in the office which is clearly discrimination. The plea of the management that the company is running in losses and due to this factor the regular scale wages were not granted hold no ground as it is a clear case of discrimination and injustice caused to them. The similarly situated employees are to be given same pay scale and the management cannot escape from its liability to pay scale wages being a Model Employer. The management in its communication Ex. W16 was ready to give the pay scale to its regular employees but it is stated that due to financial position it cannot be given. The financial position of the Company cannot come in the way of granting the regular pay scale to its employees. Therefore, taking into consideration of the facts and circumstances of the case, the workers of the salt mine are held to be entitled for the regular scale. The end of justice would be met if they are granted regular scale w.e.f. the date of the reference i.e. June 1990. The reference is answered accordingly. Central Govt. be informed.

Chandigarh,
Camp at Mandi.
5-3-2004.

S. M. GOEL, Presiding Officer

नई दिल्ली, 15 जून, 2004

का. आ. 1622.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयरपोर्ट ऑथोरिटी ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट (संदर्भ संख्या 60/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-6-2004 को प्राप्त हुआ था।

[सं. एल.-11011/21/2002-आई. आर. (विविध)]

बी.एम.डेविड, अवर सचिव

New Delhi, the 15th June, 2004

S.O. 1622.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 60/2003) of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi as shown in the Annexure in the industrial Dispute between the employers in relation to the management of Airport Authority of India and their workmen, which was received by the Central Government on 14-06-2004.

[No. L-11011/21/2002-IR(M)]

B.M DAVID, Under Secy.

ANNEXURE

IN THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

Presiding Officer : Shri B. N. Pandey

ID. No. 60/2003

Shri Jitender Kumar Singh,
Shri Ram Swaroop Yadav,
Shabbir Ahmed,
Pradeep Kumar Yadav,
Anil Kumar Yadav,
Islamuddin Khan Aghar and
Mohammed Shamshir Khallas through

The General Secretary,
Delhi Multi Storey Building Employees
Congress II, Tolstoy Marg,
Vandana Building,
New Delhi.

Versus

The Regional Executive Director (NAD),
Airport Authority of India,
Rajeev Gandhi Bhawan,
New Delhi-110037.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-11011/21/2002 IR(M) dated 16-04-2003 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management Airport Authority of India, New Delhi in denying the regularisation of the services of S/Shri Jitender Kumar Singh, Ram Swaroop Yadav, Shabbir Ahmed, Pradeep Kumar Yadav, Anil Kumar Yadav, Islamuddin Khan Aghar and Mohammed Shamshir Khallas working as Junior office assistants on ad hoc basis is just, fair and legal ? If not what relief these workmen are entitled and from which date ?"

2. The reference was registered on 22-5-2003 and notice to management and workman was issued for filing of claim on 25-8-2003. On 25-8-2003 Shri Neeraj Kumar Junior Executive (Legal), I.G.I. Airport Alongwith Shri M. N. Joshi, Senior Assistant (P&A) appeared and none for the workman appeared. Since 25-8-2003 till today none has appeared on behalf of the workmen and Sri M. N. Joshi who claims to be Senior Assistant Personnel of Management appeared on 22-04-2004 but has no written authority. It appears that the workmen are not interested in pursuing this dispute. Hence no dispute award is passed in this case. Award is given accordingly.

Dated : 5-5-2004.

B. N. PANDEY, Presiding Officer

नई दिल्ली, 15 जून, 2004

का. आ. 1623.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राजस्थान स्टेट माइन्स एण्ड मिनरल्स के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, जोधपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-06-2004 को प्राप्त हुआ था।

[सं. एल.-29012/61/2000-आई. आर. (एम)]

बी.एम.डेविड, अवर सचिव

New Delhi, the 15th June, 2004

S.O. 1623.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Jodhpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management Rajasthan State Mines & Minerals and their workman, which was received by the Central Government on 14-06-04.

[No. L-29012/61/2000-IR(M)]

B.M DAVID, Under Secy.

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय,
जोधपुर

पीठासीन अधिकारी :—श्रीमती निशा गुप्ता, आर. एच. जे. एस.

ऑ. वि. (केन्द्रीय) सं. 16/2001

हुकमराम पुत्र श्री खुसालाराम जी जाति भील निवासी मोहड़ा जिला
जैसलमेर । —प्रार्थी

बनाम

राजस्थान स्टेट माइन्स एण्ड मिनरल्स लिमिटेड (आर. एस. एम. एम. लि.)
—अप्रार्थी

उपस्थिति :—

- (1) प्रार्थी प्रतिनिधि श्री एल. डी. खत्री उप.
- (2) अप्रार्थी प्रतिनिधि श्री खेमराम चौधरी उप.

अधिनिर्णय

दिनांक 24-2-2004

श्रम मंत्रालय, भारत सरकार, नई दिल्ली ने अपनी अधिसूचना क्रमांक एल. 29012/61/2000 दिनांक 24-1-2001 से निम्न विवाद वास्ते अधिनिर्णय इस न्यायालय को प्रेषित किया है :—

"Whether the termination of services of Shri Hukmaran S/o. Shri Khusalaram Bhil Ex. Sahayak Karamchhari by the Management of R.S.M.D.C.

Ltd., Jaipur by way of Voluntary Retirement Scheme w.e.f. 31-3-98 is legal and justified? If not, to what relief is workman concerned entitled?"

प्रार्थी ने अपना माँग-पत्र प्रस्तुत करते हुए कहा है कि उसे आज से करीब 10 वर्ष पूर्व अस्थायी तौर पर आर. एन. डब्ल्यू. के पद पर नियुक्ति दी गई तथा सोनू लाईम स्टोन प्रोजेक्ट पर कार्य करने हेतु निर्देशित किया उसके कार्य से सन्तुष्ट होकर उसे 12-1-93 के आदेश से आर. एम. डब्ल्यू. के पद पर 1-10-92 से नियमित कर दिया। अप्रार्थी के अधीनस्थ अधिकारियों ने प्रार्थी, जो कि अनपढ़ व्यक्ति है को गुमराह करते हुए उससे स्वैच्छिक सेवानिवृत्ति योजना के अन्तर्गत प्रार्थना-पत्र माँगे जिस पर प्रार्थी ने अपना प्रार्थना-पत्र अप्रार्थी के समक्ष 12-1-98 को सशर्त पेश किया जिसमें 30-4-98 से विभिन्न शर्तों पर सेवानिवृत्त करने हेतु प्रार्थना की, लेकिन अप्रार्थी ने प्रार्थी के साथ धोखा करते हुए पहले उसका स्थानान्तरण किया तथा बाद में 28-3-98 के आदेश से अवैधानिक रूप से सेवाएं समाप्त कर दी, अप्रार्थी ने प्रार्थी को स्वैच्छिक सेवानिवृत्ति योजना के नाम पर प्रार्थना-पत्र लेकर आफिस आदेश के अन्तर्गत कर्मचारियों का मामला नहीं आने के कारण उन प्रार्थना-पत्रों को त्याग-पत्र मानते हुए मनमाने पूर्ण रवैये से प्रार्थी को नौकरी से निकाल दिया। अप्रार्थी के अधीनस्थ कर्मचारियों द्वारा प्रार्थी को गुमराह कर खाली पन्नों पर हस्ताक्षर करवा लेने से उसकी नौकरी पर विपरीत प्रभाव डालने का यह कृत्य अनफेयर लेबर प्रैक्टिस की तारीफ में आता है, प्रार्थी द्वारा बार-बार निवेदन करने के उपरान्त भी उसे आज तक नौकरी नहीं दी गई। अन्त में निवेदन किया कि प्रार्थी की सेवामुक्ति को अवैध घोषित किया जाकर प्रार्थी को पुनः सेवा में लेने एवं सेवा को निरन्तर मानते हुए समस्त लाभ एवं परिलाभ मय ब्याज दिलाये जावें।

अप्रार्थी की ओर से जवाब में कहा गया कि प्रार्थी द्वारा निगम द्वारा जारी स्वैच्छिक सेवानिवृत्ति योजना को भली-भाँति समझकर स्वेच्छा से स्वैच्छिक सेवानिवृत्ति हेतु प्रार्थना-पत्र प्रस्तुत किया जिसको निगम ने 23-1-98 को स्वीकार कर प्रार्थी को सेवामुक्त किया, अप्रार्थी द्वारा उक्त योजना के अन्तर्गत मिलने वाले समस्त आर्थिक लाभों का भुगतान प्रार्थी को कर दिया गया, प्रार्थी का कोई भुगतान अप्रार्थी में बकाया नहीं है, अप्रार्थी ने प्रार्थी के साथ कोई धोखा नहीं किया न ही स्वैच्छिक सेवानिवृत्ति हेतु प्रार्थना-पत्र प्रस्तुत करने का दबाव डाला। अप्रार्थी के किसी भी अधिकारी या कर्मचारी द्वारा प्रार्थी के खाली पन्नों पर हस्ताक्षर नहीं करवाये गये, प्रार्थी द्वारा स्वेच्छा से प्रस्तुत प्रार्थना-पत्र को स्वीकार करने में अप्रार्थी ने कोई भूल या त्रुटी नहीं की है, प्रार्थी ने अप्रार्थी के समक्ष पुनः सेवा में लेने हेतु कोई प्रार्थना-पत्र प्रस्तुत नहीं किया न ही प्रार्थी की स्वैच्छिक सेवानिवृत्ति के बाद किसी को नियुक्ति दी गई। इस प्रकार धारा 25-जी व 25-एच का कोई उल्लंघन नहीं किया। अन्त में निवेदन किया कि प्रार्थी का माँग-पत्र सव्यव्य खारिज किया जावे।

माँग-पत्र के समर्थन में प्रार्थी ने स्वयं का शपथ-पत्र प्रस्तुत किया जिस पर अप्रार्थी प्रतिनिधि द्वारा जिरह की गई तथा अप्रार्थी की ओर से मंगलाराम का शपथ-पत्र प्रस्तुत किया जिस पर प्रार्थी प्रतिनिधि द्वारा जिरह की गई। प्रार्थी व अप्रार्थी की ओर से दस्तावेजात की फोटो प्रतियाँ पेश की गई।

दोनों पक्षों के प्रतिनिधिगण की बहस सुनी, पत्रावली का अवलोकन किया।

प्रार्थी द्वारा यह कहा गया कि यह विपक्षी के अधीन नियोजित या उसे गुमराह करते हुए उससे स्वैच्छिक सेवानिवृत्ति का प्रार्थना-पत्र माँगा उसने सशर्त त्याग-पत्र दिया और उसकी सेवाएँ अवैध तौर पर समाप्त कर दी गई।

विपक्षी द्वारा यह कहा गया कि स्वैच्छिक सेवानिवृत्ति के आवेदन पत्र पर उचित प्रकार से कार्यवाही कर सेवानिवृत्ति की गई है।

स्वयं प्रार्थी का जिरह में यह कथन है कि रिटायरमेंट की योजना में अर्जी दी थी, गवाहान के दस्तखत कराये थे और प्रदर्श-I द्वारा रुपये मिले थे इस पर ए टू बी मेरे दस्तखत हैं। विपक्षी की ओर से मंगलाराम पेश हुए हैं, जिन्होंने अपने जबाब की पुष्टि की है।

प्रार्थना-पत्र व अन्य दस्तावेजात पेश हुए हैं।

यह आपत्ति की गई है कि हुकमाराम व जमना का ट्रॉस्फर अलग-अलग नहीं करना था और इसी शर्त पर अर्जी दी गई थी परन्तु स्वैच्छिक सेवानिवृत्ति योजना के अन्तर्गत सेवानिवृत्ति की गई है और इस पर ऐसी किसी शर्त का कोई प्रावधान नहीं है और जब सेवानिवृत्ति कर दी गई तो स्थानान्तरण की कोई स्थिति नहीं रह गई थी और यह शर्त स्वतः ही महत्वहीन हो जाती है। इस प्रकार प्रार्थी की यह आपत्ति भी निराधार है।

इस प्रकार स्वयं प्रार्थी ने यह स्वीकार किया है कि उसने सेवानिवृत्ति हेतु प्रार्थना-पत्र दिया था और उसी के अनुसरण में सेवानिवृत्ति हुई है, यह स्थिति स्पष्ट है ऐसी स्थिति में प्रार्थी का इस पर अब आपत्ति करना पूरी तरह निराधार है। साथ ही प्रार्थी की जिरह में भी यह स्थिति स्पष्ट तौर पर आई है कि प्रार्थी को यह आपत्ति रही है कि पैसे कम मिले, उसकी सेवानिवृत्ति गलत तौर पर की गई हो ऐसा प्रार्थी का कथन नहीं है।

इस प्रकार प्रार्थी को सेवानिवृत्ति का प्रार्थना-पत्र पेश करने पर नियमानुसार सेवानिवृत्त किया गया है और उसका भुगतान भी उसे दिया गया है। ऐसी स्थिति में अब प्रार्थी का इस पर कोई आपत्ति करना निराधार है। साथ ही विधि की यह स्थिति भी स्पष्ट है कि जब सेवानिवृत्ति से संबंधित परिलाभ प्रार्थी ने प्राप्त कर लिये हैं तो उन पर अब आपत्ति नहीं कर सकता जैसा कि एस. बी. सिविल रिट पिटीशन नम्बर 3650/98 अम्बावा बनाम आर.एस.एम.डी.सी. में माननीय राजस्थान उच्च न्यायालय द्वारा यह अधिनिर्धारित किया है कि जहाँ प्रार्थी ने सेवानिवृत्ति के सम्बन्ध में परिलाभों को प्राप्त कर लिया है तो उसे सेवानिवृत्ति के आदेश को चुनौती देने का कोई अधिकार नहीं है। इस प्रकार प्रार्थी के प्रार्थना-पत्र के आधार पर सेवानिवृत्ति स्कीम के अन्तर्गत प्रार्थी को सेवानिवृत्त करना किसी प्रकार अनुचित और अवैध नहीं है।

अधिनिर्णय

अतः यह अधिनिर्णित किया जाता है कि राजस्थान स्टेट माईन्स एण्ड मिनरल्स लिमिटेड द्वारा श्री हुकमाराम पुत्र श्री खुसालाराम को

उसके प्रार्थना-पत्र के आधार पर सेवानिवृत्ति स्कीम में अन्तर्गत सेवानिवृत्त करना किसी भी प्रकार अनुचित और अवैध नहीं है। अतः प्रार्थी अप्रार्थी से कोई अनुतोष प्राप्त करने का अधिकारी नहीं है।

यह अधिनिर्णय आज दिनांक 24-2-2004 को खुले न्यायालय में हस्ताक्षर कर सुनाया गया।

निशा गुप्ता, न्यायाधीश

नई दिल्ली, 15 जून, 2004

का. आ. 1624.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राजस्थान स्टेट माईन्स एण्ड मिनरल्स के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, जोधपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-06-2004 को प्राप्त हुआ था।

[सं. एल.-29012/99/2000-आई. आर. (एम).]

बी.एम.डेविड, अवर सचिव

New Delhi, the 15th June, 2004

S.O. 1624.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Jodhpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management Rajasthan State Mines & Minerals and their workman, which was received by the Central Government on 14-06-04.

[No. L-29012/99/2000-IR(M)]

B.M DAVID, Under Secy.

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय,
जोधपुर

पीठासीन अधिकारी :—श्रीमती निशा गुप्ता, आर. एच. जे. एस.

औ. वि. (केन्द्रीय) सं. 13/2001

तगाराम पुत्र श्री अचलाराम जाति भील निवासी गांव रामगढ़ जिला
जैसलमेर।

—प्रार्थी

बनाम

राजस्थान स्टेट माईन्स एण्ड मिनरल्स लिमिटेड (आर. एस. एम. एम. लि.)
—अप्रार्थी

उपस्थिति :—

(1) प्रार्थी प्रतिनिधि श्री एल. डी. खत्री उप.

(2) अप्रार्थी प्रतिनिधि श्री खेमराम चौधरी उप.

अधिनियम

दिनांक 24-2-2004

श्रम मंत्रालय भारत सरकार नई दिल्ली ने अपनी अधिसूचना क्रमांक एल. 29012/99/2000 दिनांक 30-1-2001 से निम्न विवाद वास्ते अधिनियम इस न्यायालय को प्रेषित किया है :—

“Whether the termination of services of Shri Tagaram S/o Shri Achalaram, Ex. Sahayak Karamchhari by the Management of R.S.MDC, Ltd. Jaipur by way of Voluntary Retirement Scheme w.e.f. 31-3-98 is legal and justified? If not, to what relief is workman concerned entitled?”

प्रार्थी की ओर से माँग-पत्र प्रस्तुत करते हुए अभिकथित किया गया है कि अप्रार्थी ने प्रार्थी को सोनू लाईम स्टोन प्रोजेक्ट पर कार्य करने हेतु आज से करीब 9-10 वर्ष पूर्व अस्थायी तौर पर नियुक्ति दी, उसका कार्य संतोषजनक होने पर उसे आर.एम.डब्ल्यू. के पद पर नियमित किया गया। प्रार्थी को अवैध रूप से सेवा से निष्कासित करने हेतु अप्रार्थी ने अधिकारियों से पड़यंत्र रचकर नियोक्ता विभाग द्वारा जारी 12-9-90 की वी.आर.एस. स्कीम के अन्तर्गत प्रार्थना पत्र मांगे व प्रार्थी से 14-1-98 को स्वैच्छिक सेवा निवृत्ति हेतु प्रार्थना-पत्र लिया गया जिसे 31-3-98 को प्रभावी होना था, यह प्रार्थन-पत्र सशर्त था लेकिन अप्रार्थी ने प्रार्थी के इस प्रार्थना-पत्र को सही नहीं मानते हुए चूँकि उनकी योजना के अन्तर्गत नहीं आ रहा था इसलिये इस प्रार्थना-पत्र को त्याग-पत्र मानकर प्रार्थी को सेवा से पदच्युत कर दिया गया जिससे पूर्व न तो प्रार्थी को किसी प्रकार को नोटिस दिया गया तथा न ही उसे कोई सुनवाई का मौका दिया गया, इस सेवानिवृत्ति बाबत जब प्रार्थी द्वारा उप-प्रबन्धक सोनू से पूछा तो उन्होंने बताया कि चूँकि प्रार्थी द्वारा मेडिकल अवकाश ज्यादा लिया जाता है इसलिये प्रार्थी से त्यागपत्र लिया जा रहा है, प्रार्थी के पुत्र को केन्सर रोग होने से उसे बार-बार अवकाश लेना पड़ता था, इस प्रकार अवकाश लेने के आधार पर सेवानिवृत्त करना मनमानापन है। प्रार्थी का कथन है कि प्रार्थना-पत्र में लिखी शर्तों के आधार पर सेवानिवृत्ति नहीं दी गई। प्रार्थी द्वारा दिये गये प्रार्थना-पत्र के अनुसार प्रार्थी को शेष राशि जो कि करीब एक लाख रुपये होती है नहीं चुकायी है, इस आधार पर प्रार्थी द्वारा 28-11-97, 1-12-97 को अप्रार्थी को प्रार्थना-पत्र देकर प्रार्थी द्वारा सेवानिवृत्ति नहीं लिये जाने की प्रार्थना की गई थी फिर भी जिप्सम परियोजना हनुमानगढ़ जबरदस्ती ट्रांसफर करके सेवाएं समाप्त कर दी गई। अन्त में निवेदन किया कि प्रार्थी को दी गई सेवा समाप्ति को अपास्त किया जाकर प्रार्थी को पुनः सेवा में लिये जाने का आदेश पारित किया जावे।

अप्रार्थी की ओर से जवाब में कहा गया कि अप्रार्थी द्वारा स्वैच्छिक सेवानिवृत्ति योजना जारी की गई थी जिसको प्रार्थी ने भली-भाँति समझकर बिना किसी दबाव के स्वेच्छा से स्वविवेक स्वैच्छिक सेवानिवृत्ति हेतु प्रार्थना-पत्र 14-1-98 को प्रस्तुत किया जिसको स्वीकार कर 31-3-98 को प्रार्थी को स्वैच्छिक सेवानिवृत्ति प्रदान की, प्रार्थी योजना के अन्तर्गत पूर्ण रूप से आता था अतः उसी अनुरूप स्वीकार किया गया, उक्त प्रार्थना-पत्र स्वीकार करने से पूर्व प्रार्थी को किसी

प्रकार का नोटिस देना व सुनवाई का अवसर प्रदान करना कानूनी रूप से आवश्यक नहीं था, प्रार्थी को स्वैच्छिक सेवानिवृत्ति योजना के अन्तर्गत मिलने वाले तमाम लाभों का भुगतान कर दिया गया, अब किसी तरह की रकम का भुगतान अप्रार्थी में बकाया नहीं है, प्रार्थी के 28-11-97 तथा 1-12-97 को सेवा से स्वैच्छिक सेवानिवृत्ति नहीं किये जाने के संबंध में कोई प्रार्थना-पत्र प्राप्त नहीं हुए क्योंकि प्रार्थी ने स्वैच्छिक सेवानिवृत्ति दिनांक 31-3-98 से होने हेतु दिनांक 14-1-98 को प्रार्थना पत्र दिया था। प्रार्थी ने पी.एफ. की राशि भी प्राप्त कर ली है। अन्त में निवेदन किया कि प्रार्थी का माँग-पत्र सख्य खारिज किया जावे।

माँग-पत्र के समर्थन में प्रार्थी ने स्वयं का शपथ-पत्र प्रस्तुत किया जिस पर अप्रार्थी प्रतिनिधि द्वारा जिरह की गई तथा अप्रार्थी की ओर से मंगलाराम का शपथ-पत्र प्रस्तुत किया जिससे प्रार्थी प्रतिनिधि द्वारा जिरह की गई। प्रार्थी की ओर से विभिन्न दस्तावेजात की प्रतियां पेश की गईं।

दोनों पक्षों के प्रतिनिधिगण की बहस सुनी, पत्रावली का अवलोकन किया।

प्रार्थी द्वारा यह कहा गया कि वह विपक्षी के अधीन नियोजित था उसे गुमराह करते हुए उससे स्वैच्छिक सेवानिवृत्ति का प्रार्थना-पत्र मांगा उसने सशर्त त्याग-पत्र दिया और उसकी सेवाएं अवैध तौर पर समाप्त कर दी गईं।

विपक्षी द्वारा यह कहा गया कि स्वैच्छिक सेवानिवृत्ति के आवेदन पत्र पर उचित प्रकार से कार्यवाही कर सेवानिवृत्ति की गई है।

प्रार्थी द्वारा यह कहा गया कि उसके दस्तखत अर्जी पर जबरदस्ती कराये थे, पैसे मिले थे, जबरदस्ती दस्तखत कराने की कोई आपत्ति प्रार्थी ने की हो ऐसी कोई स्थिति नहीं है। विपक्षी की ओर से मंगलाराम पेश हुए हैं जिन्होंने अपने जवाब की ही पुष्टि की है।

विभिन्न प्रार्थना-पत्र, बीमारी के प्रमाण-पत्र आदि प्रस्तुत हुए हैं, जिनका प्रस्तुत प्रकरण में कोई महत्व नहीं है।

इस प्रकार स्वयं प्रार्थी ने यह स्वीकार किया है कि उसने सेवानिवृत्ति हेतु प्रार्थना-पत्र दिया था और उसी के अनुसरण में सेवानिवृत्ति हुई है, यह स्थिति स्पष्ट है ऐसी स्थिति में प्रार्थी का इस पर अब आपत्ति करना पूरी तरह निराधार है। साथ ही प्रार्थी की जिरह में भी यह स्थिति स्पष्ट तौर पर आई है कि प्रार्थी को यह आपत्ति रही है कि पैसे कम मिले हैं, उसकी सेवानिवृत्ति गलत तौर पर की गई हो ऐसा प्रार्थी का कथन नहीं है।

इस प्रकार प्रार्थी को सेवानिवृत्ति का प्रार्थना-पत्र पेश करने पर नियमानुसार सेवानिवृत्त किया गया है और उसका भुगतान भी उसे दिया गया है। ऐसी स्थिति में अब प्रार्थी का इस पर कोई आपत्ति करना निराधार है। साथ ही विधि की यह स्थिति भी स्पष्ट है कि जब सेवानिवृत्ति से संबंधित परिलाभ प्रार्थी ने प्राप्त कर लिये हैं तो उन पर अब आपत्ति नहीं कर सकता है जैसा कि एस.बी. सिविल रिट पिटीशन नम्बर 3650/98 अम्बावा बनाम आर.एस.एम.डी.सी. में माननीय

राजस्थान उच्च न्यायालय द्वारा यह अभिनिर्धारित किया है कि जहां प्रार्थी ने सेवानिवृत्ति के संबंध में परिलाभों को प्राप्त कर लिया है तो उसे सेवानिवृत्ति के आदेश को चुनौती देने का कोई अधिकार नहीं है। इस प्रकार प्रार्थी के प्रार्थनापत्र के आधार पर सेवानिवृत्ति स्कीम के अन्तर्गत प्रार्थी को सेवानिवृत्त करना किसी प्रकार अनुचित और अवैध नहीं है।

अधिनिर्णय

अतः यह अधिनिर्णय किया जाता है कि राजस्थान स्टेट माईन्स एण्ड मिनरल्स लिमिटेड द्वारा श्री तगाराम पुत्र श्री अचलाराम को उसके प्रार्थना-पत्र के आधार पर सेवानिवृत्ति स्कीम के अन्तर्गत सेवानिवृत्त करना किसी भी प्रकार अनुचित और अवैध नहीं है। अतः प्रार्थी अप्रार्थी से कोई अनुतोष प्राप्त करने का अधिकारी नहीं हैं।

यह अधिनिर्णय आज दिनांक 24-2-2004 को खुले न्यायालय में हस्ताक्षर कर सुनाया गया।

निशा गुप्ता, न्यायाधीश

नई दिल्ली, 15 जून, 2004

का. आ. 1625.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राजस्थान स्टेट माईन्स एण्ड मिनरल्स के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, जोधपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-06-2004 को प्राप्त हुआ था।

[सं. एल.-29012/91/2000-आई. आर. (एम)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 15th June, 2004

S.O. 1625.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Jodhpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Rajasthan State Mines & Minerals and their workman, which was received by the Central Government on 14-06-04.

[No. L-29012/91/2000-IR(M)]

B.M. DAVID, Under Secy.

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय,
जोधपुर

पीठासीन अधिकारी :—श्रीमती निशा गुप्ता, आर. एच. जे. एस.

ओ. वि. (केन्द्रीय) सं. 15/2001

श्रीमती सुगनी पत्नी श्री हुकमाराम जाति बेलदार नि. गांव धारोई तहसील शिव जिला बाड़मेर।
—प्रार्थी

बनाम

राजस्थान स्टेट माईन्स एण्ड मिनरल्स लिमिटेड (आर. एस. एम. एम. लि.)
—अप्रार्थी

उपस्थिति :—

(1) प्रार्थी प्रतिनिधि श्री एल. डी. खन्ना उप.

(2) अप्रार्थी प्रतिनिधि श्री खेमराम चौधरी उप.

अधिनिर्णय

दिनांक 24-2-2004

श्रम मंत्रालय भारत सरकार नई दिल्ली ने अपनी अधिसूचना क्रमांक एल. 29012/91/2000 दिनांक 30-1-2001 से निम्न विवाद वास्ते अधिनिर्णय इस न्यायालय को प्रेषित किया है :—

“Whether the termination of services of Smt. Sugni W/o. Shri Hukamaram Beldar, Ex. Sahayak Karamchari by the management of R.S.MDC, Ltd. Jaipur by way of Voluntary Retirement Scheme w.e.f. 31-3-98 is legal and justified? If not, to what relief is workman concerned entitled?”

प्रार्थी ने अपने माँग-पत्र में अभिकथित किया है कि प्राथिनी को अप्रार्थी ने अपने अधीन आर.एम.डब्ल्यू. के पद पर आज से करीब आठ वर्ष पूर्व अस्थायी तौर पर नियुक्ति दी तथा सोनू लाईम स्टोन के प्रोजेक्ट पर कार्य करने हेतु निर्देशित किया, उसके बाद प्रार्थी के कार्य से सन्तुष्ट होकर 12-1-93 के आदेश से आर.एम.डब्ल्यू. के पद पर 1-10-92 को नियमित किया गया। अप्रार्थी के अधिनस्थ अधिकारियों ने प्राथिनी को कि अनपढ़ औरत है, को गुमराह करते हुए उससे स्वेच्छिक सेवानिवृत्ति योजना के अंतर्गत प्रार्थना-पत्र 12-1-98 को सशर्त स्वेच्छिक त्याग-पत्र पेश किया जिसमें प्राथिनी ने 31-3-98 से विभिन्न शर्तों पर स्वयं को सेवानिवृत्त करने हेतु प्रार्थना की। प्राथिनी द्वारा पेश किये गये प्रार्थना-पत्र को जब वापस मांगा गया तो उसे अप्रार्थी ने पॉलिसी का ऑफिस ऑर्डर बताया जब कि अप्रार्थी द्वारा जारी पॉलिसी प्राथी के मामले में लागू नहीं होती थी फिर भी रोजगार से निकालने हेतु अप्रार्थी द्वारा षड्यंत्र रचा गया जिसकी जानकारी 30-4-98 को प्राथिनी को होने पर प्राथिनी ने 5-2-98 को अप्रार्थी से अपनी स्वेच्छिक सेवानिवृत्ति का प्रार्थना-पत्र वापस उठाने हेतु प्रार्थना-पत्र दिया, 3-4-98 को पुनः प्रार्थना-पत्र पेश किया, प्राथिनी ने अन्य कर्मचारियों के साथ भी 14-4-98 को भी प्रार्थना-पत्र प्रस्तुत किया व स्वेच्छिक सेवानिवृत्ति से संबंधित गलत कार्यवाही को रोकने के लिए प्रार्थना की लेकिन प्राथिनी की एक भी सुनी व 28-3-98 के आदेश से प्राथिनी की सेवाएं 31-3-98 को इस आधार पर समाप्त की गई कि प्राथिनी ने अप्रार्थी के समक्ष अपना त्याग-पत्र पेश किया है, अप्रार्थी के अधीनस्थ कर्मचारियों द्वारा प्राथिनी को गुमराह कर खाली पन्नों पर हस्ताक्षर करवा लेने से उसकी नौकरी पर विपरीत प्रभाव डालने की निवृत्ति से किया गया यह कृत्य अनफेयर लेबर प्रैक्टिस की तारीख में आता है, प्राथिनी का कथन है कि उसे सेवा से निकालने के बाद अप्रार्थी ने अपने अधीन अन्य नये

व्यक्तियों को नियुक्ति दी है लेकिन प्रार्थिनी द्वारा बार-बार प्रार्थना करने के बावजूद भी आज दिन तक नौकरी नहीं दी गई इस प्रकार घारा 25-जी व 25-एच.ओ.वी. अधिनियम के प्रावधानों की अवहेलना की है। अन्त में निवेदन किया कि प्रार्थी की सेवामुक्ति को अनुचित एवं अवैध घोषित किया जाकर प्रार्थिनी को पुनः सेवा में लेने का आदेश पारित किया जावे व स्थायी घोषित किया जावे।

अप्रार्थी की ओर से जवाब में कहा गया कि प्रार्थिनी द्वारा अप्रार्थी द्वारा जारी स्वैच्छिक सेवानिवृत्ति योजना को भली-भांति समझकर स्वैच्छा से बिना किसी दबाव व षड्यंत्र के उसने स्वैच्छिक सेवानिवृत्ति हेतु आवेदन-पत्र अप्रार्थी को प्रस्तुत किया जिसे निगम ने स्वीकार कर प्रार्थिनी को 31-3-98 से स्वैच्छिक सेवानिवृत्ति प्रदान कर सेवामुक्त किया तथा नियमानुसार समस्त भुगतान भी समय पर प्रार्थिया को कर दिया गया, वर्तमान में प्रार्थिया का कोई भुगतान अप्रार्थी संस्थान में बकाया नहीं है, प्रार्थिया ने पो.एफ. की राशि भी प्राप्त कर ली है। प्रार्थिया ने अपना आवेदन-पत्र वापस लिये जाने हेतु कोई प्रार्थना-पत्र प्रस्तुत नहीं किया, चूँकि प्रार्थिया 31-3-98 को सेवामुक्त हो गई उसके पश्चात् सेवानिवृत्ति रोकने का प्रार्थना-पत्र महत्वहीन है। अप्रार्थी संस्थान के किसी भी संबंधित अधिकारी ने प्रार्थिनी के खाली पन्नों पर हस्ताक्षर नहीं करवाये, चूँकि प्रार्थिया के मामले में औ.वि. अधिनियम के किन्हीं प्रावधानों का उल्लंघन नहीं हुआ है इसलिये इस न्यायालय को यह वाद सुनने का क्षेत्राधिकार प्राप्त नहीं है। अन्त में निवेदन किया कि प्रार्थिया का मांग-पत्र सव्यय खारिज किया जावे।

मांग-पत्र के समर्थन में प्रार्थिनी ने स्वयं का शपथ-पत्र प्रस्तुत किया जिस पर अप्रार्थी प्रतिनिधि द्वारा जिरह की गई तथा अप्रार्थी की ओर से मंगलाराम का शपथ-पत्र प्रस्तुत किया जिस पर प्रार्थी प्रतिनिधि द्वारा जिरह की गई। प्रार्थिनी की ओर से विभिन्न दस्तावेजात की फोटो स्टेट प्रतियां पेश की गईं।

दोनों पक्षों के प्रतिनिधिगण की बहस सुनी, पत्रावली का अवलोकन किया।

प्रार्थिया द्वारा यह कहा गया कि वह विपक्षी के अधीन नियोजित थी, उसे गुमराह करते हुए उससे स्वैच्छिक सेवानिवृत्ति का प्रार्थना-पत्र मांगा उसने सशर्त त्याग-पत्र दिया और उसकी सेवाएं अवैध तौर पर समाप्त कर दी गईं।

विपक्षी द्वारा यह कहा गया कि स्वैच्छिक सेवानिवृत्ति के आवेदन-पत्र पर उचित प्रकार से कार्यवाही कर सेवानिवृत्ति की गई है।

प्रार्थिया द्वारा जिरह में यह कहा गया है कि अर्जी रिटायरमेंट की दी थी अस्सी हजार रुपये मिले थे, पैसे पूरे नहीं मिले। विपक्षी की ओर से मंगलाराम पेश हुए हैं जिन्होंने अपने जवाब की ही पुष्टि की है।

प्रार्थिया द्वारा यह कहा गया है कि उसने प्रार्थना-पत्र वापस ले लिया था और इसके लिए अर्जी दी थी परन्तु जो अर्जी पत्रावली पर प्रस्तुत है वह 13-4-98 को दी गई है जब कि प्रार्थिया को 31-3-98 को ही सेवानिवृत्त किया जा चुका था ऐसी स्थिति में इस प्रार्थना-पत्र का कोई महत्व नहीं रह जाता।

इस प्रकार स्वयं प्रार्थिया ने यह स्वीकार किया है कि उसने सेवानिवृत्ति हेतु प्रार्थना-पत्र दिया था और उसी के अनुसरण में सेवानिवृत्ति हुई है, यह स्थिति स्पष्ट है ऐसी स्थिति में प्रार्थी का इस पर आपत्ति करना पूरी तरह निराधार है। साथ ही प्रार्थी की जिरह में भी यह स्थिति स्पष्टतौर पर आई है कि प्रार्थी को यह आपत्ति रही है कि पैसे कम मिले हैं, उसकी सेवानिवृत्ति गलत तौर पर की गई हो ऐसा प्रार्थिया का कथन नहीं है।

इस प्रकार प्रार्थिया को सेवानिवृत्ति का प्रार्थना-पत्र पेश करने पर नियमानुसार सेवानिवृत्त किया गया है और उसका भुगतान भी उसे दिया गया है। ऐसी स्थिति में अब प्रार्थिया का इस पर कोई आपत्ति करना निराधार है। साथ ही विधि की यह स्थिति भी स्पष्ट है कि जब सेवानिवृत्ति से संबंधित परिलाभ प्रार्थिया ने प्राप्त कर लिये हैं तो उन पर अब आपत्ति नहीं कर सकती जैसा कि एस.बी. सिविल रिट पिटीशन नम्बर 3650/98 अम्बावा बनाम आर.एस.एम.डी.सी. में माननीय राजस्थान उच्च न्यायालय द्वारा यह अभिनिर्धारित किया है कि जहां प्रार्थी ने सेवानिवृत्ति के संबंध में परिलाभों को प्राप्त कर लिया है तो उसे सेवानिवृत्ति के आदेश को चुनौती देने का कोई अधिकार नहीं है। इस प्रकार प्रार्थिया के प्रार्थना-पत्र के आधार पर सेवानिवृत्ति स्कीम के अन्तर्गत प्रार्थिया को सेवानिवृत्त करना किसी प्रकार अनुचित और अवैध नहीं है।

अधिनिर्णय

अतः यह अधिनिर्णीत किया जाता है कि राजस्थान स्टेट माईन्स एण्ड मिनरल्स लिमिटेड द्वारा श्रीमती सुगनी पत्नी श्री हुकमाराम को उसके प्रार्थना-पत्र के आधार पर सेवानिवृत्ति स्कीम के अन्तर्गत सेवानिवृत्त करना किसी भी प्रकार अनुचित और अवैध नहीं है। अतः प्रार्थिया अप्रार्थी से कोई अनुतोष प्राप्त करने की अधिकारिणी नहीं है।

यह अधिनिर्णय आज दिनांक 24-2-2004 को खुले न्यायालय में हस्ताक्षर कर सुनाया गया।

निशा गुप्ता, न्यायाधीश

नई दिल्ली, 15 जून, 2004

का. आ. 1626.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राजस्थान स्टेट माईन्स एण्ड मिनरल्स के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में ग्राम न्यायालय, जोधपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-06-2004 को प्राप्त हुआ था।

[सं. एल.-29012/64/2000-आई. आर. (एम.)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 15th June, 2004

S.O. 1626.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial

Tribunal, Jodhpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management Rajasthan State Mines & Minerals Ltd. and their workman, which was received by the Central Government on 14-06-04.

[No. L-29012/64/2000-IR(M)]
B. M. DAVID, Under Secy.

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय
जोधपुर।

पीठासीन अधिकारी :— श्रीमती निशा गुप्ता, आर. एच. जे. एस.

औ. वि. (केन्द्रीय) सं. :— 11/2002

अर्जुनराम पुत्र श्री दानाराम जी जाति बेलदार निवासी किशनघाट जैसलमेर
—प्राथी

बनाम

राजस्थान स्टेट माइन्स एण्ड मिनरल्स लिमिटेड —अप्राथी

उपस्थिति :—

- (1) प्राथी प्रतिनिधि श्री एल. डी. खत्री उप.
- (2) अप्राथी प्रतिनिधि श्री खेमराम चौधरी उप.

अधिनिर्णय

दिनांक 27-1-2004

श्रम मंत्रालय भारत सरकार नई दिल्ली ने अपनी अधिसूचना क्रमांक एल. 29012/64/2000 दिनांक 8-1-2001 से निम्न विवाद वास्ते अधिनिर्णय इस न्यायालय को प्रेषित किया है :—

“Whether the termination of services of Sh. Arjun Ram S/o Shri Danaram Beldar, Ex. Sahayak Karamchari by the management of R.S.M.D.C.Ltd. Jaipur by way of Voluntary Retirement Scheme w.e.f. 31-12-1997 is legal and justified? If not, to what relief is workman concerned entitled?”

प्राथी ने अपना माँग-पत्र प्रस्तुत करते हुए अभिकथित किया उसकी नियुक्ति अप्राथी के अधीन आर. एम. डब्ल्यू. के पद पर आज से करीब 10 वर्ष पूर्व हुई उसे सोनू लाईम स्टोन के प्रोजेक्ट पर कार्य करने हेतु निर्देशित किया, उसके कार्य से सन्तुष्ट होकर अप्राथी ने 12-1-93 को आर. एम. डब्ल्यू. के पद पर 1-10-92 से नियमित कर दिया, प्राथी अनपढ़ व्यक्ति है जिसे अप्राथी के अधीनस्थ अधिकारियों ने गुमराह करते हुए उससे स्वैच्छिक सेवानिवृत्ति योजना के अन्तर्गत प्रार्थना-पत्र माँगे जिस पर प्राथी ने भी अपना प्रार्थना-पत्र अप्राथी के समक्ष 12-1-97 को सशर्त स्वैच्छिक त्याग-पत्र पेश किया जिसमें 30-4-97 को विभिन्न शर्तों के साथ स्वयं को सेवानिवृत्त करने का निवेदन किया। अप्राथी ने प्राथी को स्वैच्छिक सेवानिवृत्ति योजना के नाम पर प्रार्थना-पत्र लेकर उक्त प्रार्थना-पत्र को त्याग-पत्र मानते हुए मनमाने ढंग से

नौकरी से निकाल दिया, अनपढ़ कर्मचारियों को अप्राथी के अधीनस्थ कर्मचारियों द्वारा गुमराह करके खाली पन्नों पर हस्ताक्षर करवा लेने से उनकी नौकरी पर विपरीत प्रभाव डालने की निमत से वह कृत्य किया जो अनफेयर लेबर प्रैक्टिस की तारीफ में आता है जो औ. वि. अधिनियम के प्रावधानों के प्रतिकूल होने से प्राथी पुनः सेवा में लिये जाने का अधिकारी है। प्राथी का कथन है कि उसे सेवामुक्त करने के पश्चात् विपक्षी ने नये व्यक्तियों को नियुक्ति दी लेकिन प्राथी द्वारा बार-बार प्रार्थना करने पर भी उसे आज तक नौकरी नहीं दी, प्राथी आज भी बेरोजगार है। अन्त में निवेदन किया है कि प्राथी सेवामुक्ति को अवैध घोषित किया जाकर प्राथी को नियमित सेवा में मानते हुए पुनः सेवा में लिए जाने का आदेश पारित किया जावे।

अप्राथी की ओर से जवाब में कहा गया कि प्राथी को निगम में दैनिक मजदूर के रूप में रखा था जिसे बाद में 1-10-92 को नियमित किया गया, प्राथी स्वयं ने अप्राथी निगम द्वारा जारी स्वैच्छिक सेवानिवृत्ति योजना को भली-भाँति समझकर स्वैच्छिक सेवानिवृत्ति हेतु बिना किसी दबाव व चढ़चढ़ के स्वयं के अंगुष्ठ निशानमय गवाहान के दस्तावेज के अप्राथी निगम को प्रस्तुत कर स्वैच्छिक सेवानिवृत्ति योजना के तहत सेवानिवृत्त करने का निवेदन किया था जिसे स्वीकार कर निगम ने प्राथी को 30-11-96 को सेवामुक्त कर दिया जिसमें किसी तरह की वैधानिक त्रुटि नहीं की है, प्राथी ने ग्रेच्युटी, भविष्य निधि व छुट्टियों व योजना के तहत नियमानुसार मिलने वाली तमाम राशि व लाभ प्राप्त करने के पश्चात् इस तरह का आवेदन प्रस्तुत करने का हकदार नहीं है। प्राथी को स्वैच्छिक सेवानिवृत्ति के तहत सेवामुक्त किया गया था जिसमें किसी भी नियम व संवैधानिक व वैधानिक अधिकारों का उल्लंघन नहीं हुआ है, स्वैच्छिक सेवानिवृत्ति आदेश न तो अनफेयर लेबर प्रैक्टिस की तारीफ में आता है जो औ. वि. अधिनियम के किसी भी प्रावधान के प्रतिकूल नहीं है, अप्राथी निगम द्वारा किसी भी अन्य कर्मचारी को नियुक्ति नहीं दी है। अन्त में निवेदन किया कि प्राथी को माँग-पत्र सत्यापन खारिज किया जावे।

प्राथी ने माँग-पत्र के समर्थन में स्वयं का शपथ-पत्र प्रस्तुत किया जिस पर अप्राथी प्रतिनिधि द्वारा जिरह की गई, अप्राथी की ओर से त्रिभुवन राय ठाकोर का शपथ-पत्र प्रस्तुत किया गया, प्राथी प्रतिनिधि द्वारा जिरह की गई। दोनों पक्षों की ओर से दस्तावेजों की प्रतियाँ पेश की गईं।

दोनों पक्षों के प्रतिनिधिगण की बहस सुनी, पत्रावली का अवलोकन किया।

प्राथी द्वारा यह कहा गया कि उसने विपक्षी के अधीन लगातार सेवा दी, उसने स्वैच्छिक सेवानिवृत्ति का प्रार्थना-पत्र दिया परन्तु वह सशर्त था, शर्तों की पालना न करते हुए उसे सेवा से पृथक् कर दिया जो कि त्रुटिपूर्ण है।

विपक्षी द्वारा यह कहा गया कि प्राथी ने सेवानिवृत्ति का प्रार्थना-पत्र स्वेच्छा से दिया था जिसे स्वीकार किया जाकर उसे सेवामुक्त किया जा चुका है उसने राशि प्राप्त कर ली है और अब कोई आपत्ति उसकी पोषणीय नहीं है।

स्वयं प्रार्थी ने अपनी प्रतिपरीक्षा में यह स्वीकार किया है कि उसने रिटायरमेंट योजना में अर्जी दी थी उसने यह भी स्वीकार किया है कि उसे पैसों का चैक मिला था, प्रदर्श-6 पर ए टू बी अपने दस्तखतों को उसने स्वीकार किया है। विपक्षी की ओर से त्रिभुवन राय ठाकुर विधिक सहायक पेश हुए हैं।

इस प्रकार स्वयं प्रार्थी ने यह स्वीकार किया है कि उसने स्वैच्छिक सेवानिवृत्ति हेतु प्रार्थना-पत्र दिया था, इसी के अनुसरण में प्रार्थी को सेवामुक्त किया गया है ऐसी स्थिति में प्रार्थी अब इस पर कोई आपत्ति करने से बाधित है। विपक्षी की ओर से प्रार्थी को किये गये भुगतान की रसीदें पेश हुई हैं, प्रदर्श-6 पर स्वयं प्रार्थी ने अपने दस्तखतों को स्वीकार किया है ऐसी स्थिति में जब स्वयं प्रार्थी ने सेवानिवृत्ति हेतु प्रार्थना-पत्र दिया जिसे विपक्षी द्वारा स्वीकार किया गया है और उसके अनुसरण में प्रार्थी ने सेवानिवृत्ति के परिलाभ प्राप्त कर लिये हैं तो अब वह इस पर कोई आपत्ति नहीं कर सकता, इस संबंध में विपक्षी की ओर से एस. बी. सिविल रिट पिटीशन नम्बर 3650/98 अम्बावा बनाम आर. एस. एम. डी. सी. का निर्णय पेश किया जिसमें स्पष्ट किया गया है कि जहाँ प्रार्थी ने सेवानिवृत्ति के सम्बन्ध में परिलाभों को प्राप्त कर लिया है तो वह सेवानिवृत्ति के आदेश को चुनौती नहीं दे सकता। इस प्रकार प्रार्थी के प्रार्थना-पत्र के आधार पर सेवानिवृत्ति स्कीम के अन्तर्गत प्रार्थी को सेवानिवृत्त करना किसी प्रकार अनुचित और अवैध नहीं है।

प्रार्थी का यह कथन है कि वह निर्धारित योग्यता नहीं रखता था और इस कारण उसकी सेवानिवृत्ति नहीं हो सकती, परन्तु यह तर्क मान्य नहीं है, जिन व्यक्तियों की दस वर्ष की सेवा पूर्ण नहीं हुई उन पर भी स्कीम को लागू किया गया है, इस स्थिति में प्रार्थी निर्धारित योग्यता नहीं रखता हो ऐसी स्थिति नहीं है और जब स्वयं प्रार्थी ने स्वेच्छा से सेवानिवृत्ति हेतु प्रार्थना-पत्र प्रस्तुत किया तो उसका यह कहना कि वह निर्धारित योग्यता नहीं रखता, पूरी तरह महत्वहीन हो जाता है।

प्रार्थी सेवानिवृत्ति उचित और वैध है और प्रार्थी कोई अनुतोष पाने की अधिकारी नहीं है।

अधिनिर्णय

अतः यह अधिनिर्णित किया जाता है कि राजस्थान स्टेट माईन्स एण्ड मिनरल्स लिमिटेड द्वारा श्री अर्जुनराम पुत्र श्री धनाराम बेलदार को उसके प्रार्थना-पत्र के आधार पर सेवानिवृत्ति स्कीम के अन्तर्गत सेवानिवृत्त करना किसी भी प्रकार अनुचित और अवैध नहीं है। अतः प्रार्थी अप्रार्थी से कोई अनुतोष प्राप्त करने का अधिकारी नहीं है।

यह अधिनिर्णय आज दिनांक 27-1-2004 को खुले न्यायालय में हस्ताक्षर कर सुनाया गया।

निशा गुप्ता, न्यायाधीश

नई दिल्ली, 15 जून, 2004

का. आ. 1627.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. मेवाड़ मार्बल्स के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय उदयपुर के

पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-06-2004 को प्राप्त हुआ था।

[सं. एल.-29012/132/2000-आई. आर. (एम.)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 15th June, 2004

S.O. 1627.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Udaipur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management M/s Mewar Marbles and their workman, which was received by the Central Government on 14-06-04.

[No. L-29012/132/2000-IR(M)]

B. M. DAVID, Under Secy.

अनुबन्ध

औद्योगिक अधिकरण एवं श्रम न्यायालय, उदयपुर

मु. नं. 4/2001

L.T.R., केन्द्र सरकार

अनवान खीम सिंह

V/s

जन. मैने. मेवाड़ मार्बल्स लि.

अधिसूचना सं. : L-29012/132/00/IR(M) 30/3/01

निर्णय

31-3-04

प्रार्थी/प्रतिनिधि उप. नहीं/प्रार्थी की गैर हाजरी बाबत कोई कारण पेस नहीं हुआ है। काफी आवाजें दिलाई गईं। समय : 1.00 P.M. हो रहा है। प्रार्थी की ओर से विवाद प्राप्त होने से लेकर आज तक क्लेम पेस नहीं किया गया है जिससे विवाद में आगे कार्यवाही सम्भव नहीं है। प्रार्थी द्वारा क्लेम पेस नहीं होने से प्रार्थी के पक्ष में कोई विवाद नहीं "नो-डिस्प्यूट" एवार्ड जारी किया जाता है। विपक्षी में भी कोई उपस्थित नहीं। सूचना-भारत सरकार को भेजी जावे। पत्रावली फेसल शुमार होकर दाखिल दफ्तर हो।

ह. अपठनीय

(न्यायाधीश)

नई दिल्ली, 15 जून, 2004

का. आ. 1628.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं.-II, नई दिल्ली के पंचाट (संदर्भ संख्या आई डी-106/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-06-2004 को प्राप्त हुआ था।

[सं. एल.-12012/274/90-आई. आर. (बी.-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 15th June, 2004

S.O. 1628.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (ID-106/91) of the Central Government Industrial Tribunal/Labour Court, No. II, New Delhi now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 15-06-2004.

[No. L-12012/274/90-IR(B-1)]
AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II
RAJENDRA BHAWAN, GROUND FLOOR,
RAJENDRA PLACE, NEW DELHI

In the Court of Shri R. N. Rai, Presiding Officer,
CGIT-Cum-Labour Court-II, New Delhi

I.D. No. 106/91

In the matter of :

Sh. Ishwar Lal

V/s.

State Bank of India

CORRIGENDA

- (a) In the 5th line of the 3rd para of page-7 of the Award dated 5-5-2004 in the Industrial Dispute mentioned above the word 'four' may be replaced by 'two'
- (b) In the 1st line of the concluding para of the above Award, the date '1-1-2000' is corrected and substituted as '3-3-1984'.

Dated : 15-6-2004

R.N. RAI, Presiding Officer

नई दिल्ली, 16 जून, 2004

का. आ. 1629.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. एस. आई. सी. हॉस्पिटल के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली-II, के पंचाट (संदर्भ संख्या 12/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-06-2004 को प्राप्त हुआ था।

[सं. एल.-15012/9/95-आई. आर. (विविध)]
बी. एम. डेविड, अवर सचिव

New Delhi, the 16th June, 2004

S.O. 1629.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 12/96) of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi-II as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of E.S.I.C. Hospital and their workman, which was received by the Central Government on 15-06-2004.

[No. L-15012/9/95-IR(M)]
B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER :
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
RAJENDRA BHAWAN, GROUND FLOOR,
RAJENDRA PLACE, NEW DELHI

I.D. No. 12/96

Presiding Officer: R. N. RAI

In the matter of :

Smt. Raj Bala

Versus

ESIC Hospital

AWARD

The Ministry of Labour by its letter No. L-15012/09/95/IR (Vividh) CENTRAL GOVERNMENT dt. 30-01-1996 has referred the following point for adjudication. The point runs as hereunder :—

"Whether the action of the management of ESI Hospital, Basaidarapur, Ring Road, New Delhi and the Regional Director, ESIC, Kotla Road, New Delhi in terminating the services of Smt. Raj Bala, Safai Karamchari w.e.f. 24-8-94 is just and fair? If not, to what relief the concerned workman is entitled?"

That the workman Smt. Raj Bala joined into the employment of the E.S.I. Hospital w.e.f. 01-03-1993 as a Safai Karamchari. She was being treated as daily rated/casual/muster roll worker and was being paid wages much less than those fixed and revised from time to time under the minimum wages act by the appropriate Govt. for unskilled casual worker. While, her counter-part doing the identical work and the work of the same value, but being treated as regular employee, were being paid their salaries in the pay scale of Rs. 750-940 with usual allowances admissible under the rules. They were also enjoying other benefits like uniform, E.L., C.L., Gazetted/Festival/Restricted Holidays and medical leave etc. which were completely denied to the workman aforesaid. She has unblemished and uninterrupted record of service to her credit.

That the service of the aforesaid workman have been terminated w.e.f. 24-8-1994 without any valid reason thereof.

That the termination of services of Smt. Raj Bala is wholly illegal, bad, unjust and malafide for the following amongst other reasons.

That the job against which the aforesaid workman was working is of a regular and permanent nature of job.

That employing person on regular nature of jobs and treating them as daily rated/casual/muster roll workers for indefinite period and paying them lesser remuneration than those doing the identical work and the work of same value amount to unfair labour practice as provided in Section 2(ra) read with item No. 10 of Vth Schedule of the Industrial Disputes Act, 1947 punishable under Section 25U of the Industrial Disputes Act, 1947.

That it is violative of article 14, 16 and 36(d) of the constitution of India.

That it amounts to sheer exploitation of labour.

That the management of the E.S.I.C. has not framed any rules or regulations nor get it passed by the U.P.S.C. and nor notified in the Official Gazette for governing the service conditions of the daily rated/casual/muster roll/part time/seasonal workers nor it has any certified, the Model Standing Orders framed under the industrial employment (Standing Orders) Act, 1946 are applicable to the workman and the management of the E.S.I.C.

That the workman aforesaid has acquired the status of a permanent employee w.e.f. 1-3-93 after completing 90 days of continuous employment as provided in the Model Standing Orders framed under the Industrial Employment (Standing Orders) Act, 1946. Even otherwise, the workman aforesaid is deemed to have been regularly appointed w.e.f. 1-3-93 after completing 240 days of continuous employment as provided in the Industrial Disputes Act, 1947 and held such by the Hon'ble High Court of Delhi in case of Harish Kumar Vs. Registrar, Delhi High Court.

That the management is the industry and the workman has completed more than 240 days so she deserves to be reinstated.

The management has filed written statement. In the written statement, it has been stated that she has been appointed purely on casual basis. Secondly, she was called for the interview in July, 1994 for the post of regular sweeper alongwith the candidates called from the employment exchange but she did not appear for the interview. She was absent.

She has no right to come to the Court at this stage and her application is liable to be dismissed on this ground alone. The applicant was getting her salary at the end of each month on the basis of daily wages. She never objected at that time. She made hue and cry only when her services

were no more required. All the other statement of claims have been emphatically denied.

The workman has filed rejoinder. In the rejoinder, my attention was drawn to the decision of Bhagwati Prasad Vs. Delhi State Mineral Development Corporation. It has been held that if the workers were allowed to work for a considerable length of time, it would be hard and harsh to deny them the confirmation in the respective post on the ground that they lack the prescribed qualification.

Heard arguments from both the sides and perused the papers on the record. It was argued from the side of the workman that Deputy Administrative Officer has issued a certificate in which it has been shown that Smt. Raj Bala has worked for 256 days in 1993 and 180 days in 1994. This certificate establishes the fact that Smt. Raj Bala has worked for more than 240 days in a calendar year.

My attention was drawn to 1992 SC cases. It has been held by the Hon'ble Apex Court that even a casual or seasonal workman rendered continuous service of one year or more cannot be retrenched. In 1981 SC cases, 478, the same view has been reiterated.

In 1982 (99) Delhi Law Times, 747, it has been held that Section 25(F) is applicable in the case of a daily rated workman when he has completed 240 days of service.

In view of the citations referred to by the workman, in case the workman has worked for 240 days in a calendar year, Section 25(F) of the ID Act is attracted. It was argued from the side of the management that she was called for interview in 1994 but she did not appear. Her name is on Sl. No. 916 so she could not be regularised.

The learned counsel for the workman stated that whether she appeared for interview or not, this is immaterial. She has worked for more than 240 days in a calendar year. She has not been given any compensation according to the certificate of the management. She has worked for more than 240 days in a calendar year. As such, 25(F) of the ID Act is attracted and she deserves to be reinstated with 20% back wages. She is a sweeper and she must be doing sweeping work. It is not her case that she was sitting idle. As such, 20% back wages in the facts and circumstances of the case are sufficient.

The reference is replied thus :—

The action of the management of ESI Hospital, Basaidarapur, Ring Road, New Delhi and the Regional Director, ESIC, Kotla Road, New Delhi in terminating the services of Smt. Raj Bala, Safai Karamchari w.e.f. 24-8-94 is neither justified nor fair. The workman is entitled to be reinstated with 20% back wages from 24-8-94.

The award is given accordingly

Dated : 25-05-2004

R. N. RAI, Presiding Officer

नई दिल्ली, 16 जून, 2004

का. अ. 1630.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बॉमर लॉरी एण्ड कं. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण मुंबई नं. 1 के पंचाट (संदर्भ संख्या 47/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-06-2004 को प्राप्त हुआ था।

[सं. एल.-42012/1/2003-आई. आर. (विधि)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 16th June, 2004

S.O. 1630.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 47/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai No. 1 as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Balmer Lawrie & Co. and their workman, which was received by the Central Government on 15-06-2004.

[NO. L-42012/1/2003-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO 1, MUMBAI****Present**

Shri Justice S. C. Pandey, Presiding Officer

REFERENCE NO. CGIT-47 OF 2003**Parties : Balmer Lawrie & Co. Ltd. Grose Division****And**

Their workman Shri Vijay Kumar C. Pant

Appearance :**For the Management : S/Shri Pawaskar & Mokashi Advocate****For the Workman : No appearance****State : Maharashtra**

Mumbai, dated this the 17th day of May, 2004

AWARD

1. This is a reference under clause (d) of sub-section 1 and sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 (the Act for short) for resolving the industrial dispute between M/s. Balmer Lawrie & Co. Ltd. (the company for short) and their workman Shri Vijay Kumar C. Pant (the workman for short). The terms of the dispute are as follows :

"Whether the action of the management of M/s. Balmer Lawrie & Co. Ltd., Mumbai in terminating

the services of Shri Vijay Kumar C. Pant w.e.f. 12-07-2002 is justified? If not, to what relief the concerned workman is entitled?"

2. The case was fixed for 07-11-2003. Both the parties were absent. Notice unserved upon the workman. Notices were issued to the parties by Regd. A.D. Post for 01-12-2003. On 01-12-2003, workman was absent. Notices were issued to his appearance through the company for 26-12-2003, 4-2-2004 and 24-3-2004. But the workman was not present nor filed his statement of claim. On 24-3-2004, notice was issued for 29-4-2004 to the workman. The company undertook to publish the notice in Newspaper. The notice was published in the Marathi Daily "Nav Shakti" on 14th April, 2004 and a copy of the said "Nav Shakti" was filed on 29-4-2004 by the management before this Tribunal. The workman was not present nor filed his statement of claim.

3. In view of the fact that the workman raising the dispute is not present today, even though, a notice was published on a newspaper for his appearance. Consequently this case is closed. It is held that the workman does not want to contest the reference.

4. The reference is not accepted because the workman has not filed his statement of claim. The reference is accordingly disposed of. No costs.

S. C. PANDEY, Presiding Officer

नई दिल्ली, 16 जून, 2004

का. अ. 1631.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई. ओ. सी. एल. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 18/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-06-2004 को प्राप्त हुआ था।

[सं. एल.-30012/22/2002-आई. आर. (विधि)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 16th June, 2004

S.O. 1631.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 18/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Oil Corpn. Ltd. and their workman, which was received by the Central Government on 15-06-2004.

[No. L-30012/22/2002-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHENNAI

Tuesday, the 20th April, 2004

Present : K. JAYARAMAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 18/2003

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the management of Southern Region, Indian Oil Bhawan and their workmen.)

BETWEEN

Sri P. Alagappan : I Party/Workman

AND

1. The General Manager (HR) : II Party/Respondent
Indian Oil Corporation Ltd.,
Chennai.

2. Sri Alfred Rocha, Contractor

Appearances :

For the Workman : Mr. P. CH. Anbarasekaran
AdvocateFor the 1st Respondent : M/s. T. S. Gopalan & Co.
AdvocatesFor the 2nd Respondent : Mr. M. Ramamoorthi,
Advocate

AWARD

The Central Government, Ministry of Labour vide Notification Order No. L-30012/22/2002-IR(M) dated 16-12-2002 has referred the following dispute to this Tribunal for adjudication :—

“Whether the termination of the services of Sri P. Alagappan w.e.f. 4-3-2001 by Shri Alfred Rocha, IOCL, contractor is justified? If not to what relief is he entitled to?”

2. After the receipt of the reference, it was taken on file as I.D. No. 18/2003 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statements.

3. The allegations in the Claim Statement of the Petitioner are briefly as follows :—

The 1st Respondent company has a factory in Madras Port where it has been engaged in business of storage of diesel, kerosene, black oil and other petroleum products which are imported from abroad. The Petitioner

joined the services of the 1st Respondent through the 2nd Respondent on 26-8-96. The Petitioner was assigned duties of plumbing work, pipeline fitting work, welding work attending oil leakage in pipeline, etc. Thus, the Petitioner had been employed continuously till the date of his termination effected on 10-3-2001. The Petitioner had been assigned the work by maintenance officer and the duty officer of the 1st Respondent management. Though the Petitioner had been directly employed by the 1st Respondent/Management instead of giving salary directly, the Respondent used to give him salary through the 2nd Respondent contractor to evade the direct employer and employee relationship between the 1st Respondent and the Petitioner. Therefore, the 2nd Respondent does not have any role other than to be a smoke screen between the employer namely the 1st Respondent and the Petitioner herein and he is an illusory intermediary. On 10-3-2001 when the Petitioner was doing his duties, he was told by the Duty Manager of the 1st Respondent that his services have been terminated by the 1st Respondent immediately. The termination amounts to retrenchment within the meaning of Section 2(oo) of the Industrial Disputes Act and the termination is violative of provisions of Section 25N of the Industrial Disputes Act, and no notice of termination was issued to him and no compensation was paid to the Petitioner and therefore, the termination of the Petitioner by the Respondent is arbitrary and amounts to unfair labour practice. Therefore, the Petitioner raised an industrial dispute before the conciliation officer and on submission of his failure report, this dispute was referred by the Govt. for adjudication to this Tribunal. Therefore, the Petitioner prays that an award may be passed directing the Respondent to reinstate the Petitioner in service with continuity of service and other consequential benefits.

4. As against this the 1st Respondent in its Counter Statement contended that the 1st Respondent is having a terminal at Royapuram which is called fore shore terminal and it is a factory registered under the Factories Act. It has registered itself as a principal employer under the Contract Labour (Regulation & Abolition) Act, to engage contract labourers through various contractors mentioned in the certificate of registration and the 2nd Respondent was one such contractor. Admittedly, the Petitioner was engaged by the 2nd Respondent. Hence, the Petitioner cannot maintain any dispute against the 1st Respondent, as the 1st Respondent was no way responsible for his alleged cessation of employment and he cannot neither look to the 1st Respondent for relief nor the 1st Respondent is answerable to his claim. The 1st Respondent is not aware of the circumstances under which the Petitioner ceased to be in employment of the 2nd Respondent. Hence, for all these reasons, the 1st Respondent prays that the claim has to be rejected as against them.

5. The 2nd Respondent in his Counter Statement contended that he is a registered contractor to the 1st Respondent and the Petitioner was engaged by the 2nd Respondent as a casual when there is a need. The engagement of the Petitioner was neither in a continuous work nor in the job of a permanent nature. It is false to allege that on 10-3-2001 the Petitioner's services were terminated. On the other hand the Petitioner himself has refused to turn up for work for the reasons best known to him. Any how, since the Petitioner was engaged only as a casual, the question of terminating his services will not arise at all. The 2nd Respondent alone has paid wages to the Petitioner. There is no employer-employee relationship between the 1st Respondent and the Petitioner. Even with regard to the 2nd Respondent the relationship is one that of a casual labourer and the status of Petitioner is that of a casual employee. It is false to allege that the Duty Manager of the 1st Respondent has terminated the services of the Petitioner. The act of the Petitioner amounts to abandonment of service. Since he was employed as a Casual Labour, no disciplinary action was initiated against him. Therefore, the question of retrenchment within the meaning of Section 2(o) of Industrial Disputes Act, does not arise at all. Hence, for all these reasons, the 2nd Respondent prays that the claim may be dismissed with costs.

6. In these circumstances, the points for my consideration are —

(i) "Whether the alleged termination of the services of Sri P. Alagappan w.e.f. 4-3-2001 by the 2nd Respondent, who is a contractor under the 1st Respondent is justified?"

(ii) "To what relief the Petitioner is entitled?"

Point No. 1 :

7. In this case, the claim of the Petitioner is that he is a workman under the 1st Respondent through the 2nd Respondent and though he had been directly employed by the 1st Respondent/Management, instead of giving salary directly, the 1st Respondent used to give him the salary through the 2nd Respondent contractor to evade the direct employer and employee relationship between the 1st Respondent and the Petitioner. Therefore, the Petitioner must prove that he was directly employed by the 1st Respondent/Management and the alleged contract between the 2nd Respondent and the 1st Respondent is sham and nominal. But, in this case, the Petitioner has not produced any document to show that he was directly employed by the 1st Respondent and the contract between the 2nd Respondent and 1st Respondent is only camouflage. On the other hand, the 1st Respondent has produced documents to show that it was registered under Contract Labour (Regulation & Abolition) Act as

a principal employer and the 2nd Respondent is one of the contractors under him by producing Ex. M3 to M6. Though the Petitioner has stated that he was employed directly by the 1st Respondent in his evidence as WW1, he has admitted that he has asked some job to the 2nd Respondent, since he was a contractor under the 1st Respondent and he has taken the Petitioner as a contract labour in the 1st Respondent's factory. It is his further admission that the 1st Respondent company will give cheque to the 2nd Respondent and the 2nd Respondent alone will pay his dues. Though he has produced entry passes namely Ex. W8 series, he has admitted that the 2nd Respondent's name, namely the contractor's name is mentioned in the entry pass. Further, merely because he has produced the entry pass, this Tribunal cannot presume or assume that he was a direct employee under the 1st Respondent. Furthermore, the Petitioner himself has admitted that he was engaged by the 2nd Respondent namely the Contractor under the 1st Respondent. Under such circumstances, I find the Petitioner has no claim against the 1st Respondent and against the 2nd Respondent alone he can claim relief, if any.

8. In this case, the 2nd Respondent even though has admitted that he has engaged the Petitioner as a casual labourer and he has not terminated the services of the Petitioner, on the other hand, the Petitioner himself has voluntarily abandoned his work from 10-03-2001. But, in this case, there is no material evidence to prove that the Petitioner has abandoned his work on 10-3-2001. Further, though the 2nd Respondent alleged that the Petitioner was only a Casual Labour, no document is produced by him to show that he is only a Casual Labour under the 2nd Respondent. The Petitioner though produced more than eleven documents, he has not established before this Court that he was directly employed by the 1st Respondent. On the other hand, even in the evidence, he has admitted that if the 2nd Respondent offers him a job he is ready to work under him and he is asking job only under the 2nd Respondent. Therefore, in this case, I find the Petitioner is not entitled to get any relief against the 1st Respondent, but the Petitioner is entitled to get relief only against the 2nd Respondent, namely the Contractor. Since the 2nd Respondent has not produced any documents to show that the Petitioner has voluntarily abandoned the work, the presumption is that the Petitioner was engaged by the 2nd Respondent. Under such circumstances, the termination of the services of the Petitioner by the 2nd Respondent is not valid in law and therefore, the Petitioner is entitled to be reinstated in service by the 2nd Respondent. In this case, the Petitioner alleged that at the time of termination, he was getting Rs. 4,000 as salary per month, but on the other hand, he has not produced any document to show that he was drawing the salary of Rs. 4,000 per month at the time of termination. Though, the 2nd Respondent

also denied that the Petitioner was not receiving Rs. 4,000 as salary per month, he has also not stated what was the amount of salary the Petitioner was receiving at the time of his disengagement. Any how, the 2nd Respondent must have got proof to show that the Petitioner has received lesser amount of pay but the 2nd Respondent has not produced any document before this Court to substantiate his claim. Therefore, I am accepting the contention of the Petitioner that he was receiving Rs. 4,000 (Rupees four thousand only) as salary per month and I am of the opinion that 50% of the back wages to the Petitioner being paid by the 2nd Respondent will be a justifiable one under the circumstances shown before this Tribunal. As such, I find this point in favour of the Petitioner with regard to the 2nd Respondent and with regard to the 1st Respondent, the claim of the Petitioner is rejected.

Point No. 2 :

The next point to be decided in this case is to what relief, the Petitioner is entitled ?

9. In view of my foregoing findings, I find the Petitioner is not entitled to any relief against the first Respondent. As regards the second Respondent, I direct the 2nd Respondent to reinstate the Petitioner Sri P. Alagappan in service forthwith and I find the Petitioner is entitled to 50% (fifty per cent) of the back wages from the date of his termination with continuity of service and other attendant benefits. No Costs.

(Dictated to the P. A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 20th April, 2004).

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

For the Petitioner/Workman : WWI Sri P. Alagappan

For the Respondent/Management : None

Documents Marked :—

For the I Party/Workman :—

Ex. No.	Date	Description
W1	26-08-96 to 29-11-99	Xerox copy of the entry passes issued by 1st Respondent to Petitioner.
W2	22-02-97	Xerox copy of the letter from 1st Respondent to Inspector, CISF, Chennai Port Trust deputing the Petitioner.
W3	08-03-97	Xerox copy of the letter of 1st Respondent to Asstt. Commandant regarding harbour entry permit.

W4	17-06-97	Xerox copy of the letter from 1st Respondent to Officer on duty, CISF, Chennai Port Trust.
W5	11-10-97	Xerox copy of the letter from 2nd Respondent to 1st Respondent regarding Sunday work.
W6	21-05-98	Xerox copy of the letter from 1st Respondent to CISF, Chennai Port Trust regarding daily entry pass.
W7	08-07-98	Xerox copy of the letter from 1st Respondent to Section Superintendent, Chennai Port Trust.
W8	28-04-2000	Xerox copy of the letter from 2nd Respondent to 1st Respondent.
W9	29-04-2000	Xerox copy of the letter to 1st Respondent regarding Permission on Sunday work.
W10	10-08-2000	Xerox copy of the letter from 1st Respondent to Incharge of CISF, Chennai Port Trust.
W11	09-07-01	Xerox copy of the letter of 2nd Respondent to Assistant Labour Commissioner (Central).

For the 1st Respondent :—

Ex. No.	Date	Description.
M1	31-03-03	Xerox copy of the letter from Dy. Chief Inspector of Factories to 1st Respondent regarding licence.
M2	Nil	Xerox copy of the Inspectorate of Factories Licence Book.
M3	23-12-99	Xerox copy of the application for registration under contract labour (Regulation & Abolition) Act.
M4	23-12-99	Xerox copy of the letter from Assistant Labour Commissioner (Central) to 1st Respondent enclosing certificate of registration.
M5	Nil	Xerox copy of the application for registration of Establishment employing contract labour submitted by 1st Respondent.
M6	31-12-01	Xerox copy of the letter from Assistant Labour Commissioner (Central) to 1st Respondent enclosing certificate of registration of establishment.

नई दिल्ली, 16 जून, 2004

का. आ. 1632.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राज. स्टेट माईन्स एण्ड मिनरल्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, जोधपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-06-2004 को प्राप्त हुआ था।

[सं. एल.-29012/39/2000-आई. आर. (एम.)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 16th June, 2004

S.O. 1632.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Jodhpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Rajasthan State Mines & Minerals and their workman, which was received by the Central Government on 15-06-04.

[No. L-29012/39/2000-IR(M)]

B. M. DAVID, Under Secy.

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय,
जोधपुर

पीठासीन अधिकारी :—श्रीमती निशा गुप्ता, आर. एच. जे. एस.

औ. वि. सं. :—9/2001

सांगाराम पुत्र श्री भंवरराम, जाति बेलदार, नि. गांव धारोई, तहसील शिव, जिला बाड़मेर।

—प्राथी

बनाम

अध्यक्ष एवं प्रबन्ध निदेशक, राजस्थान राज्य खनिज विकास निगम लि., खनिज भवन, जयपुर (राज. स्टेट माईन्स एण्ड मिनरल्स लि.)—अप्राथी

उपस्थिति :—

- (1) प्राथी प्रतिनिधि श्री एल. डी. खत्री उप.
- (2) अप्राथी प्रतिनिधि श्री खेमराम चौधरी उप.

अधिनिर्णय

दिनांक 24-2-2004

श्रम मंत्रालय, भारत सरकार, नई दिल्ली ने अपनी अधिसूचना क्रमांक एल. 29012/39/2000 दिनांक 29-8-2000 से निम्न विवाद वास्ते अधिनिर्णय इस न्यायालय को प्रेषित किया है :—

“Whether the termination of services of Sh. Sanga Ram S/o Bhawaru Ram, Ex. Sahayak Karamchari

by the management of R.S.M.D.C.Ltd. Jaipur by way of Voluntary Retirement Scheme w.a.f. 30-9-98 is legal and justified and if not to what relief is workman concerned entitled ?”

प्राथी ने अपना माँग-पत्र प्रस्तुत करते हुए अभिकथित किया कि प्राथी को अप्राथी ने अपने अधीन आर. एम. डब्ल्यू. के पद पर आज से करीब 14 वर्ष पूर्व अस्थाई तौर पर नियुक्ति दी तथा सोनू लाईम स्टोन प्रोजेक्ट पर कार्य करने हेतु निर्देशित किया, प्राथी के कार्य से सन्तुष्ट होकर उसे आदेश दिनांक 12-1-93 से आर. एम. डब्ल्यू. के पद पर 1-10-92 से नियमित किया। अप्राथी ने प्राथी की अन्य कर्मचारियों के साथ जब दिसम्बर 1996 में अवैधानिक रूप से पदच्युति कर दी तब प्राथी ने माननीय उच्च न्यायालय में रिट याचिका सं. 254/97 पेश कर पुनः सेवा में लिये जाने की प्रार्थना की, माननीय उच्च न्यायालय ने अप्राथी को नोटिस जारी करने के पश्चात् एवं अप्राथी द्वारा जवाब पेश करने के पश्चात् प्राथी द्वारा पेश रिट याचिका को स्वीकार कर अप्राथी को आदेश दिये कि प्राथी द्वारा अपनी स्वैच्छिक सेवानिवृत्ति हेतु पेश प्रार्थना-पत्र को विड़ो करने की प्रार्थना को स्वीकार करे जिसपर अप्राथी ने अपने आदेश दिनांक 13-8-98 द्वारा प्राथी के स्वैच्छिक सेवानिवृत्ति प्रार्थना-पत्र विड़ो करने का निवेदन स्वीकार कर पुनः सेवा में लिये जाने का आदेश पारित किया जिस पर प्राथी ने अपनी उपस्थिति सोनू खदान पर दी, लेकिन अप्राथी ने प्राथी को तंग करने की नियत से 20-8-98 को प्राथी का स्थानान्तरण हनुमानगढ़ कर दिया, प्राथी ने हनुमानगढ़ अपनी सेवाएं देना आरम्भ किया व तब आदेश को माननीय उच्च न्यायालय में चुनौती दी जिसके कारण रंजिसपुरा 4-8-98 को प्राथी का स्थानान्तरण जिप्सम खदान पल्लू कर दिया, बार-बार स्थानान्तरण का कारण पूछा तो अप्राथी ने बताया कि यदि आप स्वैच्छिक सेवानिवृत्ति लेते हैं तो आपकी बात मान ली जायेगी और अप्राथी के अधीनस्थ कर्मचारियों ने 16-9-98 को प्राथी से अबरहस्सी स्वैच्छिक सेवानिवृत्ति का प्रार्थना-पत्र ले लिया जो कि सशर्त था, चूंकि अप्राथी विभाग प्रार्थना-पत्र में दर्ज शर्त मानने हेतु तैयार नहीं था अतः प्राथी ने 22-10-98 को स्वैच्छिक सेवानिवृत्ति प्रार्थना-पत्र वापस उठाने का निवेदन किया लेकिन इसके बावजूद भी अप्राथी ने प्राथी की सेवाएं समाप्त कर दी। अप्राथी का कृत्य अनफेयर लेबर प्रैक्टिस की परिभाषा में आता है, प्राथी से कई कनिष्ठ लोग विभाग में कार्य कर रहे हैं, अप्राथी ने धारा 25-जी व 25-एच का उल्लंघन किया है। अन्त में निवेदन किया कि प्राथी को अप्राथी के आदेश दिनांक 30-9-98 द्वारा की गई सेवामुक्ति को अवैध घोषित किया जाकर प्राथी को समस्त लाभों सहित पुनः सेवा में लिये जाने का आदेश पारित किया जावे।

अप्राथी की ओर से जवाब में कहा गया कि विभाग द्वारा जारी की गई स्वैच्छिक सेवानिवृत्ति योजना के तहत प्राथी द्वारा प्रस्तुत स्वैच्छिक सेवानिवृत्ति प्रार्थना-पत्र के आधार पर उसे स्वैच्छिक सेवानिवृत्ति प्रदान की गई थी जिसे प्राथी ने माननीय उच्च न्यायालय में चुनौती दी थी तथा माननीय उच्च न्यायालय ने प्राथी द्वारा प्रस्तुत विड़ो प्रार्थना-पत्र पर आदेश पारित करने हेतु अप्राथी को निर्देशित किया जिस पर विड़ोवल प्रार्थना-पत्र स्वीकार कर प्राथी को पुनः सेवा में रखा गया, निगम अपने कर्मचारियों की प्रशासनिक आवश्यकता अनुसार निगम के अन्तर्गत

कहीं भी कार्य कराने के लिए स्वतंत्र है। अप्रार्थी द्वारा स्वैच्छिक सेवानिवृत्ति योजना को भली-भाँति समझकर अपने हितों को ध्यान में रखते हुए बिना किसी दबाव व षड्यंत्र के प्रार्थी ने स्वेच्छा से अपना स्वैच्छिक सेवानिवृत्ति हेतु आवेदन-पत्र प्रस्तुत किया जिसे 30-9-98 को स्वीकार कर प्रार्थी को सेवा से मुक्त किया गया जिसमें किसी तरह की वैधानिक त्रुटि नहीं है, प्रार्थी का कोई प्रार्थना-पत्र विद्रोह का प्राप्त नहीं हुआ, प्रार्थी की स्वैच्छिक सेवानिवृत्ति के पश्चात् किसी नये व्यक्ति को सेवा में नहीं रखा गया, प्रार्थी के स्वैच्छिक सेवानिवृत्ति पर उसका सेवा अवधि के अनुसार योजना के तहत मिलने वाले समस्त आर्थिक परिलाभों का भुगतान कर दिया गया है, प्रार्थी की कोई रकम अप्रार्थी विभाग में बकाया नहीं है। अन्त में निवेदन किया कि प्रार्थी का माँग-पत्र सव्यय खारिज किया जावे।

माँग-पत्र के समर्थन में प्रार्थी ने स्वयं का शपथ-पत्र प्रस्तुत किया जिस पर अप्रार्थी प्रतिनिधि द्वारा जिरह की गई तथा अप्रार्थी की ओर से मंगलाराम का शपथ-पत्र प्रस्तुत किया जिसपर प्रार्थी प्रतिनिधि द्वारा जिरह की गई। प्रार्थी की ओर से विभिन्न दस्तावेजात की फोटो-स्टेट प्रतियाँ पेश की गई।

दोनों पक्षों के प्रतिनिधिगण की बहस सुनी, पत्रावली का अवलोकन किया।

प्रार्थी द्वारा यह कहा गया कि वह विपक्षी के अधीन नियोजित था उसे गुमराह करते हुए उससे स्वैच्छिक सेवानिवृत्ति का प्रार्थना-पत्र माँगा उसने सशर्त त्याग-पत्र दिया और उसकी सेवाएँ अवैध तौर पर समाप्त कर दी गई।

विपक्षी द्वारा यह कहा गया कि स्वैच्छिक सेवानिवृत्ति के आवेदन-पत्र पर उचित प्रकार से कार्यवाही कर सेवानिवृत्ति की गई है।

स्वयं प्रार्थी द्वारा यह कहा गया है कि उसने अर्जी दी थी, 80 - 90 हजार रुपये मिले थे। विपक्षी की ओर से मंगलाराम पेश हुए हैं जिन्होंने अपने जवाब की ही पुष्टि की है।

विभिन्न कार्यालय आदेश प्रस्तुत हुए हैं जिनके सम्बन्ध में कोई विवाद नहीं है तथा सेवानिवृत्ति का जो प्रार्थना-पत्र प्रस्तुत हुआ है उसकी प्रति पेश हुई है।

इस प्रकार स्वयं प्रार्थी ने यह स्वीकार किया है कि उसने सेवानिवृत्ति हेतु प्रार्थना-पत्र दिया था, और उसी के अनुसरण में सेवानिवृत्ति हुई है। यह स्थिति स्पष्ट है ऐसी स्थिति में प्रार्थी का इस पर अब आपत्ति करना पूरी तरह निराधार है। साथ ही प्रार्थी की जिरह में भी यह स्थिति स्पष्ट तौर पर आई है कि प्रार्थी को यह आपत्ति रही है कि पैसे कम मिले हैं, उसकी सेवानिवृत्ति गलत तौर पर की गई हो ऐसा प्रार्थी का कथन नहीं है।

इस प्रकार प्रार्थी को सेवानिवृत्ति का प्रार्थना-पत्र पेश करने पर नियमानुसार सेवानिवृत्ति किया गया है और उसका भुगतान भी उसे दिया गया है। ऐसी स्थिति में अब प्रार्थी का इस पर कोई आपत्ति करना

निराधार है। साथ ही विधि की यह स्थिति भी स्पष्ट है कि जब सेवानिवृत्ति से संबंधित परिलाभ प्रार्थी ने प्राप्त कर लिये हैं तो उन पर अब आपत्ति नहीं कर सकता जैसा कि एस. बी. सिविल रिट पिटीशन नम्बर 3650/98 अम्बावा बनाम आर. एस. एम. डी. सी. में माननीय राजस्थान उच्च न्यायालय द्वारा यह अभिनिर्धारित किया है कि जहाँ प्रार्थी ने सेवानिवृत्ति के सम्बन्ध में परिलाभों को प्राप्त कर लिया है तो उसे सेवानिवृत्ति के आदेश को चुनौती देने का कोई अधिकार नहीं है। इस प्रकार प्रार्थी के प्रार्थना-पत्र के आधार पर सेवानिवृत्ति स्कीम के अन्तर्गत प्रार्थी को सेवानिवृत्त करना किसी प्रकार अनुचित और अवैध नहीं है।

अधिनिर्णय

अतः यह अधिनिर्णित किया जाता है कि राजस्थान स्टेट माईन्स एण्ड मिनरल्स लिमिटेड द्वारा सांगाराम पुत्र श्री भंवरराम को उसके प्रार्थना-पत्र के आधार पर सेवानिवृत्ति स्कीम के अन्तर्गत सेवानिवृत्त करना किसी भी प्रकार अनुचित और अवैध नहीं है। अतः प्रार्थी अप्रार्थी से कोई अनुतोष प्राप्त करने का अधिकारी नहीं है।

यह अधिनिर्णय आज दिनांक 24-2-2004 को खुले न्यायालय में हस्ताक्षर कर सुनाया गया।

निशा गुप्ता, न्यायाधीश

नई दिल्ली, 16 जून, 2004

का. आ. 1633.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल वेअरहाऊसिंग कार्पो. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली-II, के पंचाट (संदर्भ संख्या 100/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-06-2004 को प्राप्त हुआ था।

[सं. एल.-42011/10/97-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 16th June, 2004

S.O. 1633.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 100/98) of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi-II as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Warehousing Corpn. and their workman, which was received by the Central Government on 15-06-2004.

[No. L-42011/10/97-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

**BEFORE THE PRESIDING OFFICER:
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
RAJENDRA BHAWAN, GROUND FLOOR,
RAJENDRA PLACE, NEW DELHI**

I.D. No. 100/98

Presiding Officer : R. N. Rai

In the matter of

Ekpal Singh

VERSUS

Management of Central Warehousing Corporation

AWARD

The Ministry of Labour by its letter No. L-42011/10/97/IR(M) Dated 6-4-1998 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of the management of Central Warehousing Corporation in terminating the services of Sh. Ekpal Singh, Chowkidar vide office order No. K-Bhopal/Chowkidar/Regular/96-97/5845 dated 20-8-1996 is justified? If not, to what relief the workman is entitled?”

The claimant has filed statement of claim. In his statement of claim, he has stated that the employer Corporation, Central Warehousing is constituted under the Warehousing Corporation Act, 1962 as a Central Public Enterprises. The employer corporation is, therefore, a Government Corporation and is a “State” within the meaning of article 12 of the Constitution of India.

That the management approached certain residents of workman's village Vanthala for acquiring their land through its Regional Manager and other officers in 1986. Innocent owners of their respective pieces of land were given the impression that it was the Govt. which wanted their land to be given to the Respondent Corporation and if the same was not given by them to this Corporation, the Government may prosecute them for it. The poor and innocent concerned villagers became so much terrified that they agreed to give their land to the respondent corporation at very low price itself as was offered to them by its different officers differently. However, it was made clear by the concerned villagers that the land owned by them was the source of their family's living and as such the respondent corporation may have to provide employment to atleast one of their family members on acquiring the same at its rates.

That after acquiring land from the father of the workman, the respondent corporation did not come

forward to honour its commitment about giving employment to atleast one of the family members of his family for months together. The father of the workman had requested the management to give employment to the workman for fulfilling its commitment of giving employment to atleast one member of the family of the workman's father as was recorded in the Annexure P-1 Agreement. After repeated requests of the father of the workman, the management partly agreed to honour its above noted commitment and instead of giving regular employment to the workman against the Annexure P-1 agreement, offered him employment as daily wages chowkidar. The workman was illiterate so regular employment was not offered to him. In PW-1 agreement, there was no condition that the respondent corporation would give employment to the members of the family of the workman's father only if he would be literate. It is further submitted that there were a large number of illiterate chowkidars and other class IV employees already working in the different offices, godowns, warehouse etc.

The management has filed written statement. Some of the paragraphs of the claim have been denied and some have been admitted. It has been submitted by the management that there is no industrial dispute and hence the reference is legally not valid and proper.

That this Tribunal has no territorial jurisdiction to adjudicate the matter. It is stated by the management that the land purchased in the said village by paying the land price to the land owners who had willingly sold out their land including the father of the claimant. Indeed, the corporation gave offer of employment to one of the family members. This was done on the request of the father of the workman and the recommendation of the Regional Manager. He was offered employment as daily rated chowkidar as there was no vacancy for regular chowkidar. The corporation is a public sector undertaking. It has to follow the certain recruitment procedures and hence offer of employment was subject to the terms and conditions laid down in the recruitment rules. The claimant was required to submit his antecedents duly attested in the prescribed proforma in which the claimant has mentioned in column No. 10 that he had passed VIII from Adarsh Junior High School. According to the recruitment rules, a regular chowkidar must be middle school standard. The claimant has submitted his VIII pass certificate. It was verified and the certificate was found false. He was not eligible for the post of regular chowkidar so his services were terminated.

The claimant has filed rejoinder. In the rejoinder, it has been stated that the claimant is illiterate and he did not file any VIII class pass certificate. He could not read and write only he could put his signatures. His father must have filed class VIII pass certificate for regularisation but he did not procure the certificate and

he did not file false certificate. He was illiterate from the very beginning and several illiterate chowkidars are working in the department.

Heard arguments from both the sides of the parties and perused the papers on the record. It was submitted from the side of the workman that it has been written in P-1 that employment will be given in Class-D to one member of every family who have offered their land. This was the agreement between the villagers and the respondent corporation. There was no condition that he should be VIII pass. As such, the condition of VIII pass is not according to the agreement reached between the respondent corporation and the villagers. A seniority list has also been filed. The services of the workman are quite satisfactory. It is not certain as to who has filed VIII pass certificate and how it was procured, since the workman was illiterate from the very beginning. It was argued from the side of the management that he could not be made a regular chowkidar until he is class VIII pass but in the seniority list, there are certain persons who have been working for a very long time since 1983-84 who are illiterate. If there can be illiterate chowkidars, why not the claimant workman. Class VIII pass certificate has been filed in doubtful circumstances. So far as P-1 Agreement is concerned, no qualification has been laid down in it but it has been simply written that one member of every family will get employment.

My attention was drawn to AIR 1988. This case is not applicable as in this case no criteria regarding educational qualification has been laid down. So far as the territorial jurisdiction is concerned the respondent is Central Warehousing Corporation. It is an undertaking of the Central Government.

1997-1-LLJ 319 is not applicable in the circumstances of this case. The workman is not VIII pass. He is illiterate from the very beginning. Some persons may have procured VIII class certificate but nothing can be said definitely regarding filling up the forms.

It was argued from the side of the management that the workman has filed false certificate so his services have been terminated. According to the terms and conditions of the PW-1, no certificate regarding education is required as no qualification has been mentioned in it. So class VIII pass certificate has no significance by whomsoever it has been obtained. For lack of educational qualification, he may not be given the status of regular chowkidar, but in case the illiterate persons are regular chowkidars, his case should also be considered. So far as back wages are concerned, there is production of false document, it is not certain under what circumstances, it has been filed. As the claimant workman is illiterate so he should be reinstated atleast at the post of casual chowkidar. He will get only 10% wages in the facts and circumstances of this case.

The award is replied thus :—

The action of the management of Central Warehousing Corporation in terminating the service of Shri Ekpai Singh, Chowkidar vide office order No. K-Bhopal/Chowkidar/Regular/96-97/5845 dated 20-08-1996 is not completely justified. The workman is entitled to be reinstated from 20-8-96 with 10% back wages.

The award is given accordingly.

Dated : 26-05-2004 R. N. RAI, Presiding Officer

नई दिल्ली, 16 जून, 2004

का. आ. 1634.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. मेवाड़ मार्बल्स के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, उदयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-06-2004 को प्राप्त हुआ था।

[सं. एल.-29012/139/2000-आई. आर. (एम.)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 16th June, 2004

S.O. 1634.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Udaipur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management M/s Mewar Marbles and their workman, which was received by the Central Government on 15-06-04.

[No. L-29012/139/2000-IR(M)]

B. M. DAVID, Under Secy.

अनुबन्ध

औद्योगिक अधिकरण एवं श्रम न्यायालय, उदयपुर

मु. नं. 6/2001

I.T.R., केन्द्र सरकार

अनवान : विधांचल सिंह

V/s

जन. मैने. मेवाड़ मार्बल्स

अधिसूचना सं. : L-29012/139/00/IR(M), 29/3/2001

निर्णय

31-3-04

प्रार्थी/प्रतिनिधि उप. नहीं/प्रार्थी की गैर हाजरी बाबत कोई कारण पेश नहीं हुआ है काफी आवाजें दिलाई गई। समय : 1.20 P.M. हो रहा है। विपक्षी में भी कोई उप. नहीं। प्रार्थी की ओर से विवाद प्राप्त होने से लेकर आज तक क्लेम पेश नहीं किया गया है। जिससे विवाद में आगे कार्यवाही सम्भव नहीं है। प्रार्थी द्वारा क्लेम पेश नहीं होने से प्रार्थी के पक्ष में "कोई विवाद नहीं" "नो-डिस्प्यूट" एवार्ड जारी किया जाता है। विपक्षी में भी कोई उप. नहीं। सूचना-भारत सरकार को भेजी जावे। पत्रावली फैसल शुमार होकर दाखिल दफ्तर हो।

ह. अपठनीय

(न्यायाधीश)

नई दिल्ली, 16 जून, 2004

का. आ. 1635.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन पेट्रोकेमिकल्स कार्पो. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण मुम्बई नं. 2 के पंचाट संदर्भ संख्या 2/4 ऑफ 2003 को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-06-04 को प्राप्त हुआ था।

[सं. एल.-30025/1/2004-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 16th June, 2004

S.O. 1635.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 2/4 of 2003) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai No. 2 as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Petrochemicals Corpn. Ltd. and their workman, which was received by the Central Government on 15-06-04.

[No. L-30025/1/2004-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No. 2 AT MUMBAI

PRESENT :

Justice S. C. Pandey, Presiding Officer

COMPLAINT No. CGIT-2/1 of 2004

IN

(REFERENCE NO. CGIT-2/4 OF 2003)

PARTIES :

1. Shri Krishna J. Mhatre
At Palkhar, PO Amtem, Pen, Raigad.
2. Shri Moreishwar Changu Mhatre,
At Nigada, PO Amtem, Pen, Raigad.
3. Shri Harichandra Maya Mhatre,
At Nigada, PO Amtem, Pen, Raigad.
4. Shri Kiran Jhoma Mhare,
At Palkhar, PO Amtem, Pen. Raigad.
5. Shri Kashinath Dharma Mhatre,
At Nigada, PO Amtem, Pen, Raigad.
6. Shri Rajendra Bhau Mhatre,
At Nigada, PO Amtem, Pen. Raigad.
7. Shri Dilip Pandurang Jadhav,
At Amdoshi, PO Patensai, Roha, Raigad.

8. Shri Yashwant Vishnu Jadhav,
At Amdoshi, PO Patensai, Roha, Raigad.

9. Shri Ashok Ganu Mhatre,
At Palkhar, PO Amtem, Pen, Raigad.

10. Shri Shantaram Khanda Mhatre,
At Palkhar, PO Amtem, Pen. Raigad.

11. Shri Laha Gapa Mhatre,
At Palkhar, PO Amtem, Pen. Raigad.

12. Shri Dattaram Bamji Borkar,
At Patli, PO Kasu, Pen, Raigad.

13. Shri Vithoba Gaburao Bhoy,
At Nid, PO Palsa, Roha, Raigad.

14. Shri Chandrakant R. Dabhade,
At Warvathane, PO Nagothane, Roha, Raigad.

15. Shri Dharma Maruti Mhatre,
At Warvathane, PO Nagothane, Roha, Raigad.

16. Shri Chandrakant Kushinath Mhatre,
At Nigada, PO Amtem, Pen, Raigad.

17. Shri Govind Tukaram Madhevi,
At Nidi, PO Palsa, Roha, Raigad.

18. Shri Pandurang Mahadev Bhoir,
At Palkhar, PO Amtem, Pen. Raigad.

19. Shri Dhanaji Damodar Bhoir,
At Palkhar, PO Amtem, Pen. Raigad.

Complainants

V/s.

M/s. Indian Petrochemicals
Corporation Ltd.,
M.G.C. Complex,
Nagothane,
Distt. Raigad (MS).

Opponent

APPEARANCES :

For the Complainants: Shri M. B. Anchan,
Advocate.

For the Opponent : Shri A. N. Mulla,
Advocate.

Mumbai, dated the 10th May, 2004

AWARD

This is a Complaint under Section 33-A of the Industrial Disputes Act, 1947.

2. The parties have filed joint application that matter under dispute has been settled out of Court as per Settlement dated 12-04-2004.

3. In view of this matter the complaint is disposed of as the dispute between the parties does not survive further consideration. The Complaint is accordingly disposed of as settled out of Court as desired by both the parties.

S. C. PANDEY, Presiding Officer

नई दिल्ली, 16 जून, 2004

का. आ. 1636.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राज. स्टेट माईन्स एण्ड मिनरल्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, जोधपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-06-04 को प्राप्त हुआ था।

[सं. एल.-29012/121/2000-आई. आर. (एम.)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 16th June, 2004

S.O. 1636.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Jodhpur as shown in the annexure in the Industrial Dispute between the employers in relation to the management Rajasthan State Mines & Minerals and their workman, which was received by the Central Government on 15-06-04.

[No. L-29012/121/2000-IR(M)]

B. M. DAVID, Under Secy.

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय, जोधपुर

पीठासीन अधिकारी : श्रीमती निशा गुप्ता, आर. एच. जे. एस.

औ. वि. (केन्द्रीय) सं. : 6/2002

श्री अमृतराम पुत्र श्री केशराराम,
जाति भील निवासी रामगढ़,
जिला जैसलमेर।

... प्रार्थी

बनाम

राजस्थान स्टेट माईन्स एण्ड
मिनरल्स लिमिटेड।

... अप्रार्थी

उपस्थिति :

- (1) प्रार्थी प्रतिनिधि श्री एल. डी. खत्री उप.
- (2) अप्रार्थी प्रतिनिधि श्री खेमराम चौधरी उप.

अधिनिर्णय

दिनांक 27-1-2004

श्रम मंत्रालय भारत सरकार नई दिल्ली ने अपनी अधिसूचना क्रमांक एल. 29012/121/2000 दिनांक 15-2-2001 से निम्न विवाद वास्ते अधिनिर्णय इस न्यायालय को प्रेषित किया है :—

"Whether the termination of services of Sh. Amritaram S/o Sh. Keshra Ram Bhil, Ex. Sahayak Karamchari by the management of

RSMDC Ltd., Jaipur by way of Voluntary Retirement Scheme w.e.f. 31-8-97 is legal and justified. If not, to what relief is workman concerned entitled?"

प्रार्थी ने अपना मांग-पत्र करते हुए अभिकथित किया है कि उसकी नियुक्ति आर. से 10 वर्ष पूर्व अप्रार्थी के अधीन आर. एन. डब्लू. के पद पर हुई उसे सोनू लाईम स्टोन प्रोजेक्ट पर कार्य करने का निर्देश दिया उसके कार्य से संतुष्ट होकर अप्रार्थी ने उसे 12-1-93 के आदेश से आर. एम. डब्लू. के पद पर 1-10-92 को नियमित कर दिया, प्रार्थी को अवैध रूप से सेवा से निष्कासित करने के लिये अप्रार्थी विभाग के अधिकारियों ने षड्यंत्र रचकर प्रार्थी के विरुद्ध एक झूठी जांच खोलकर कार्यवाही करने की धमकी दी तथा उस कार्यवाही में प्रार्थी के विरुद्ध किसी प्रकार का आरोप प्रमाणित नहीं होने के कारण प्रार्थी से स्वेच्छिक त्याग-पत्र की मांग की गई, प्रार्थी अनपढ़ है, को गुमराह करते हुए उससे स्वेच्छिक सेवानिवृत्ति योजना के अंतर्गत प्रार्थना-पत्र मांगा जिस पर प्रार्थी ने अपना प्रार्थना-पत्र सशर्त पेश किया, अप्रार्थी द्वारा षड्यंत्र रचा गया जिसकी जानकारी 31-8-97 को प्रार्थी को होने पर प्रार्थी ने अपने अधिकारों के तहत अपने स्वेच्छिक सेवानिवृत्ति के प्रार्थना-पत्र को वापस उठाने हेतु प्रार्थना-पत्र दिया, 13-4-97 को प्रार्थी ने अन्य कर्मचारियों के साथ पुनः एक प्रार्थना पत्र अप्रार्थी के समक्ष प्रस्तुत किया व स्वेच्छिक सेवानिवृत्ति की गलत कार्यवाही को रोकने का निवेदन किया। अप्रार्थी ने स्वेच्छिक सेवानिवृत्ति योजना के नाम पर प्रार्थना-पत्र लेकर उसके प्रार्थना-पत्र को त्याग-पत्र मानते हुए मनमाने ढंग से प्रार्थी को नौकरी से निकाल कर संविधान के अंतर्गत प्रदत्त अधिकारों की अवहेलना की है अतः प्रार्थी पुनः सेवा में रखे जाने का अधिकारी है। अप्रार्थी का उक्त कृत्य अनफेयर लेबर प्रैक्टिस की तारीफ में आता है। अन्त में निवेदन किया कि प्रार्थी को अप्रार्थी के आदेश दिनांक 31-8-97 द्वारा की गई सेवामुक्ति को अवैध घोषित किया जावे तथा प्रार्थी को समस्त लाभों सहित पुनः सेवा में लिये जाने का आदेश पारित किया जावे।

अप्रार्थी की ओर से जवाब में कहा गया कि प्रार्थी को निगम में दैनिक मजदूर के रूप में रखा जिसे बाद में नियमित किया गया, अप्रार्थी निगम के किसी भी अधिकारी द्वारा प्रार्थी के साथ कोई षड्यंत्र नहीं रखा न ही कोई झूठी जांच खोली न ही जांच खोलने की कोई धमकी दी, प्रार्थी से कभी भी त्याग-पत्र की मांग नहीं की, प्रार्थी ने निगम द्वारा जारी स्वेच्छिक सेवानिवृत्ति योजना से प्रोत्साहित होकर अपनी स्वेच्छिक सेवानिवृत्ति हेतु आवेदन किया जिसे अप्रार्थी निगम ने स्वीकार कर प्रार्थी को सेवामुक्त किया था, प्रार्थी ने स्वेच्छिक सेवानिवृत्ति योजना के गुण व अवगुण समझकर गवाहों के हस्ताक्षर सहित स्वयं के अंगुष्ठ निशान लगाकर प्रार्थना-पत्र दिया था, प्रार्थी ने स्वेच्छिक सेवानिवृत्त किये जाने की तारीख तक स्वेच्छिक सेवानिवृत्ति आवेदन को वापस लिये जाने हेतु कोई प्रार्थना-पत्र नहीं दिया, स्वेच्छिक सेवानिवृत्ति प्रार्थना-पत्र मंजूर होने के पश्चात् उसे 31-3-98 को सेवामुक्त कर दिया उसके पश्चात् प्रार्थना-पत्र की कोई मान्यता नहीं है, स्वेच्छिक सेवानिवृत्ति से निवृत्ति करने में अप्रार्थी द्वारा किसी भी वैधानिक व संवैधानिक प्रक्रिया का उल्लंघन नहीं किया इस कारण प्रार्थी पुनः

सेवा में स्वीकृत होने का इच्छा नहीं है, प्राची ने स्वेच्छिक सेवानिवृत्ति योजना के तहत प्राची को छोड़कर समस्त लाभ व रकम अप्राची निगम से प्राप्त कर ली है, अब प्राची व अप्राची निगम के मध्य कोई विवाद शेष नहीं है। अतः मैं निवेदन किया कि प्राची का मांग-पत्र स्वयं खारिज किया जाये।

प्राची ने मांग-पत्र के समर्पण में स्वयं का सपथ-पत्र प्रस्तुत किया जिस पर अप्राची प्रतिनिधि द्वारा जिरह की गई तथा अप्राची की ओर से त्रिभुजान राम ठाकुर का सपथ-पत्र प्रस्तुत किया जिस पर प्राची प्रतिनिधि द्वारा जिरह की गई। दोनों पत्रों की ओर से दस्तावेज की प्रतियाँ प्रस्तुत की गईं।

दोनों पक्षों के प्रतिनिधियों की सहस्र सुनी, पत्राचार की अवलोकन किया।

प्राची द्वारा यह कहा गया कि उसने विपक्षी के अजीब सन्तार सेवा दी, उसने स्वेच्छिक सेवानिवृत्ति का प्रार्थना-पत्र दिया परन्तु वह सारा का, सारी की-कलकल न करती हुए उसे सेवा से नुक़्त कर दिया जो कि नुक्तिपूर्ण है।

विपक्षी द्वारा यह कहा गया कि प्राची ने सेवानिवृत्ति का प्रार्थना पत्र स्वेच्छ से दिया था जो कि स्वीकार किया जाकर उसे सेवानुक्त किया जा चुका है, उसने उक्ति प्रत्यक्ष कर ली है और अब कोई आपत्ति उसकी प्रवर्णीय नहीं है।

स्वयं प्राची का अपना विचार में यह कथन है कि प्रदर्श-1 पर उसके दस्तावेज हैं, उसके प्रार्थना-पत्र दिया था, प्रदर्श-2, 3 व 4 पर भी अपने दस्तावेजों की प्रतियाँ के स्वीकार किया है जिससे प्राची को सति का पुनराग हुआ है। प्राची का यह कथन है कि उससे थोड़े से दस्तावेज कमाने में परन्तु सारा की कोई शिकायत प्राची ने नहीं की।

प्राची का यह कथन है कि प्रार्थना-पत्र में वर्णित उसकी सौं पूरी नहीं की गई परन्तु यह सत्य है कि सेवानिवृत्ति के लिए विनिश्चित स्वीकृत कमाई गई की औद्योगिक स्वीकृत के अन्तर्गत ही प्राची द्वारा प्रार्थना-पत्र दिया गया था औद्योगिक स्वीकृत में सौं पूरी न होने का कथन पूरी तरह अकारणीय है और सारा की भी सौं पूरी नहीं हुई थी तो उसे अपना सपथ-पत्र कमाने से सौं औद्योगिक का अन्तर्गत वह सेवानिवृत्ति के प्रस्तावक मिलने वाले प्रतिशत प्राप्त करने से इनकार कर सकता था परन्तु प्राची की ओर से ऐसा प्रस्ताव नहीं किया गया। ऐसी स्थिति में प्राची का यह दावा कि सौं पूरी नहीं हुई है, अकारणीय है। विपक्षी की ओर से त्रिभुजान राम ठाकुर का सपथ-पत्र प्रस्तुत किया गया है।

इस प्रकार सर्वोच्च न्यायालय ने यह स्वीकार किया है कि उसने स्वेच्छिक सेवानिवृत्ति हेतु प्रार्थना-पत्र दिया था, इसी के अनुसार प्राची को सेवानुक्त किया गया है ऐसी स्थिति में प्राची अब इस पर कोई आपत्ति करने से अकारणीय है औद्योगिक स्वीकृत में अब स्वयं प्राची ने सेवानिवृत्ति हेतु प्रार्थना-पत्र दिया था औद्योगिक स्वीकृत स्वीकार किया गया है और उसके अनुसार प्राची ने सेवानिवृत्ति के प्रतिशत प्राप्त कर लिये हैं तो अब यह इस पर कोई आपत्ति नहीं कर सकती, इस संबंध में विपक्षी की ओर से एस. बी. विट्ठल सिंह विट्ठल नम्बर 3650/98 अर्थात् बन्नाम आर. एस. एम. बी. बी. का निर्णय पेश किया जिसमें स्पष्ट किया गया

है कि वहां प्राची ने सेवानिवृत्ति के संबंध में परिलार्थों को प्राप्त कर लिया है तो वह सेवानिवृत्ति के अन्तर्गत को चुनौती नहीं दे सकता। इस प्रकार प्राची के प्रार्थना-पत्र के आधार पर सेवानिवृत्ति स्वीकृत के अन्तर्गत प्राची को सेवानिवृत्त करना किसी प्रकार अनुचित और अवैध नहीं है।

प्राची का यह कथन है कि वह निर्धारित योग्यता नहीं रखता था और इस कारण उसकी सेवानिवृत्ति नहीं हो सकती, परन्तु यह तर्क मान्य नहीं है, जिन व्यक्तियों की दस वर्ष की सेवा पूर्ण नहीं हुई उन पर भी स्वीकृत को लागू किया गया है, इस स्थिति में प्राची निर्धारित योग्यता नहीं रखता हो ऐसी स्थिति नहीं है और जब स्वयं प्राची ने स्वेच्छ से सेवानिवृत्ति हेतु प्रार्थना-पत्र प्रस्तुत किया तो उसका यह कहना कि वह निर्धारित योग्यता नहीं रखता, पूरी तरह महत्त्वहीन हो जाता है।

अतः प्राची की सेवानिवृत्ति उचित और वैध है और प्राची कोई अनुतोष पाने का अधिकारी नहीं है।

अधिनिर्णय

अतः यह अधिनिर्णय किया जाता है कि राजस्थान स्टेट मॉइन्स एण्ड मिनरल्स लिमिटेड द्वारा अनुत्तरम पुत्र श्री कैप्टन राजा जति शील को उसके प्रार्थना-पत्र के आधार पर सेवानिवृत्ति स्वीकृत के अन्तर्गत सेवानिवृत्त करना किसी भी प्रकार अनुचित और अवैध नहीं है। अतः प्राची अप्राची से कोई अनुतोष प्राप्त करने का अधिकारी नहीं है।

यह अधिनिर्णय आज दिनांक 27-1-2004 को सुले न्यायालय में हस्ताक्षर कर सुप्तक गया।

मिस्त्र गुप्ता, न्यायाधीश

नई दिल्ली, 16 जून, 2004

कर. अ. 1637.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार तथा स्टेट मॉइन्स एण्ड मिनरल्स के प्रबंधन के संबंध में विवादों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में अब न्यायालय, जोधपुर के पंचत को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-06-04 को प्राप्त हुआ था।

[सं. एल.-29012/38/2000-आई. आर. (एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 16th June, 2004

S.O. 1637.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Jodhpur as shown in the annexure in the Industrial Disputes between the employers in relation to the management Rajasthan State Mines & Minerals and their workman, which was received by the Central Government on 15-06-04.

[No. L-29012/38/2000-III(4)]

B. M. DAVID, Under Secy.

अनुबंध**औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय, जोधपुर**

पीठासीन अधिकारी : श्रीमती निशा गुप्ता, आर. एच. जे. एस.

ओ. वि. (केन्द्रीय) सं. : 12/2001

ठाकराराम पुत्र श्री खुशालराम
जाति भील निवासी गांव पोहड़ा
जिला जैसलमेर (राज.)।

... प्रार्थी

बनाम

अध्यक्ष एवं प्रबंध निदेशक,
राजस्थान राज्य खनिज विकास लिमिटेड,
(राज. स्टेट माईन्स एण्ड मिनरल्स लि.),
खनिज भवन, जोधपुर

... अप्रार्थी

उपस्थिति :

- (1) प्रार्थी प्रतिनिधि श्री एल. डी. खत्री उप.
- (2) अप्रार्थी प्रतिनिधि श्री खेमराम चौधरी उप.

अधिनिर्णय

दिनांक 24-2-2004

श्रम मंत्रालय, भारत सरकार, नई दिल्ली ने अपनी अधिसूचना क्रमांक एल. 29012/38/2000 दिनांक 11-8-2000 से निम्न विवाद वास्ते अधिनिर्णय इस न्यायालय को प्रेषित किया है :—

“Whether the termination of services of Sh. Takraram S/o Sh. Khushalaram, Ex. Sahayak Karamchhari by the management of RSMDC Ltd., Jaipur by way of Voluntary Retirement Scheme is legal and justified and if not, to what relief is workman concerned entitled?”

प्रार्थी ने अपना मांग-पत्र प्रस्तुत करते हुए कहा है कि प्रार्थी को अप्रार्थी ने अपने अधीन आर. एन. डब्ल्यू. के पद पर आज से करीब 12 वर्ष पूर्व अस्थाई तौर पर नियुक्ति दी तथा सोनु लाईम स्टोन पर कार्य करने हेतु निर्देशित किया, प्रार्थी के कार्य से सन्तुष्ट होकर उसे आदेश दिनांक 12-1-93 से आर. एम. डब्ल्यू. के पद पर 1-10-92 से नियमित कर दिया। प्रार्थी जो कि अनपढ़ है, को गुमराह करते हुए अप्रार्थी के अधीनस्थ अधिकारियों ने उससे स्वैच्छिक सेवानिवृत्ति योजना के अन्तर्गत प्रार्थना-पत्र मांगा जिस पर प्रार्थी ने अपना प्रार्थना-पत्र 12-1-98 को सशर्त पेश किया व 30-4-98 से विभिन्न शर्तों के तहत सेवानिवृत्त करने की प्रार्थना की लेकिन अप्रार्थी ने प्रार्थी के साथ धोखा करते हुए प्रार्थी का स्थानांतरण किया तथा बाद में 28-3-98 के आदेश द्वारा अवैधानिक रूप से सेवाएं समाप्त कर दीं, अप्रार्थी ने मन-माने पूर्ण रवैये से प्रार्थी को नौकरी से निकाल कर संविधान में प्रदत्त अधिकारों की अवहेलना की है अतः प्रार्थी पुनः सेवा में नियोजित होने का अधिकारी है, अप्रार्थी के अधीनस्थ कर्मचारियों द्वारा प्रार्थी को गुमराह कर खाली पन्नों पर हस्ताक्षर करवा लेने से प्रार्थी की नौकरी पर विपरीत प्रभाव

पड़ा जो अनफेयर लेबर प्रैक्टिस की तारीफ में आता है। यह कहा गया है कि उसे सेवा से निकालने के पश्चात् अप्रार्थी ने अन्य नये व्यक्तियों को नियुक्ति दी लेकिन प्रार्थी द्वारा बार-बार प्रार्थना करने के बावजूद भी उसे आज तक नौकरी नहीं दी है, इस प्रकार धारा 25-जी व 25-एच और वि. अधिनियम के प्रावधानों की अवहेलना की है। अन्त में निवेदन किया कि प्रार्थी का मांग-पत्र स्वीकार किया जाकर अप्रार्थी का आदेश दिनांक 29-3-98 अवैध घोषित किया जाकर प्रार्थी को पुनः सेवा में मय पिछला बकाया वेतन व परिलाभों सहित लेने का अधिनिर्णय पारित किया जावे।

अप्रार्थी की ओर से जवाब में कहा गया कि अप्रार्थी द्वारा प्रार्थी को जबरदस्ती अथवा गुमराह करके स्वैच्छिक सेवानिवृत्ति हेतु प्रार्थना-पत्र प्राप्त नहीं किया, अन्य कर्मचारियों की भांति प्रार्थी ने भी स्वैच्छिक सेवानिवृत्ति योजना एवं उससे होने वाले लाभों का भली-भांति समझकर बिना किसी दबाव व चङ्कंत्र के अपनी स्वतंत्र इच्छा से स्वैच्छिक सेवानिवृत्ति हेतु आवेदन-पत्र अप्रार्थी के समक्ष प्रस्तुत किया जिसको अप्रार्थी द्वारा स्वीकार कर प्रार्थी को 31-7-98 से स्वैच्छिक सेवानिवृत्ति प्रदान की गई जिसमें कोई वैधानिक त्रुटि नहीं है, प्रार्थी को उसके प्रार्थना-पत्र में दर्ज रकम व अन्य लाभ उसकी सेवा अवधि के परिपेक्ष्य में योजना अनुसार अदा कर दिये थे जिन्हें प्रार्थी ने स्वेच्छा से प्राप्त कर लिया था, अब प्रार्थी की कोई रकम अप्रार्थी निगम में बकाया नहीं है, अप्रार्थी ने प्रार्थी के साथ कोई धोखा नहीं किया, निगम के किसी कर्मचारी ने प्रार्थी के दस्तखत नहीं करवाये न ही गुमराह किया, स्वैच्छिक सेवानिवृत्ति आदेश को पारित करने में ओ. वि. अधि. के किसी भी प्रावधान का उल्लंघन नहीं किया गया है न ही यह आदेश अनफेयर लेबर प्रैक्टिस की तारीफ में आता है। यह कहा गया है कि प्रार्थी की स्वैच्छिक सेवानिवृत्ति के पश्चात् किसी भी नये व्यक्ति को सेवा में नहीं लिया। अन्त में निवेदन किया कि प्रार्थी का मांग-पत्र सत्य खरिज किया जावे।

मांग-पत्र के समर्थन में स्वयं प्रार्थी ने अपना शपथ-पत्र प्रस्तुत किया जिस पर अप्रार्थी प्रतिनिधि द्वारा जिरह की गई तथा अप्रार्थी की ओर से मंगलाराम का शपथ-पत्र प्रस्तुत किया जिस पर प्रार्थी प्रतिनिधि द्वारा जिरह की गई। प्रार्थी की ओर से स्वैच्छिक सेवानिवृत्ति का प्रार्थना-पत्र की फोटो प्रति पेश की गई।

दोनों पक्षों के प्रतिनिधिगण की बहस सुनी, पत्रावली का अवलोकन किया।

प्रार्थी द्वारा यह कह गया कि वह विपक्षी के अधीन नियोजित था उसे गुमराह करते हुए उससे स्वैच्छिक सेवानिवृत्ति का प्रार्थना-पत्र मांगा उसने सशर्त त्याग-पत्र दिया और उसकी सेवाएं अवैध तौर पर समाप्त कर दी गई।

विपक्षी द्वारा यह कहा गया कि स्वैच्छिक सेवानिवृत्ति के आवेदन पत्र पर उचित प्रकार से कार्यवाही कर सेवानिवृत्ति की गई है।

स्वयं प्रार्थी ने यह स्वीकार किया है कि अर्जी पर मेरे दस्ताखत कराये थे और नब्बे हजार रुपये उसे मिले थे। विपक्षी की ओर से मंगलाराम पेश हुए हैं जिन्होंने अपने जवाब की ही पुष्टि की है।

प्रार्थी द्वारा जमना पत्नी हुकमाराम के स्वेच्छिक सेवानिवृत्ति का प्रार्थना-पत्र प्रस्तुत किया है जिसका प्रस्तुत प्रकरण में कोई महत्व नहीं है।

इस प्रकार स्वयं प्रार्थी ने यह स्वीकार किया है कि उसने सेवानिवृत्ति हेतु प्रार्थना-पत्र दिया था, और उसी के अनुसरण में सेवानिवृत्ति हुई है, यह स्थिति स्पष्ट है ऐसी स्थिति में प्रार्थी का इस पर अब आपत्ति करना पूरी तरह निराधार है। साथ ही प्रार्थी की जिरह में भी यह स्थिति स्पष्ट तौर पर आई है कि प्रार्थी को यह आपत्ति रही है कि पैसे कम मिले हैं, उसकी सेवानिवृत्ति गलत तौर पर की गई हो ऐसा प्रार्थी का कथन नहीं है।

इस प्रकार प्रार्थी को सेवानिवृत्ति का प्रार्थना-पत्र पेश करने पर नियमानुसार सेवानिवृत्ति किया गया है और उसका भुगतान भी उसे दिया गया है। ऐसी स्थिति में अब प्रार्थी को इस पर कोई आपत्ति करना निराधार है। साथ ही विधि की यह स्थिति भी स्पष्ट है कि जब सेवानिवृत्ति से संबंधित परिलाभ प्रार्थी ने प्राप्त कर लिये हैं तो उन पर अब आपत्ति नहीं कर सकता जैसा कि एस. बी. सिविल रिट विटेशन नम्बर 3650/98 अम्बावा बनाम आर. एस. एम. डी. सी. में माननीय राजस्थान उच्च न्यायालय द्वारा यह अधिनिर्धारित किया है कि जहां प्रार्थी ने सेवानिवृत्ति के संबंध में परिलाभों को प्राप्त कर लिया है तो उसे सेवानिवृत्ति के आदेश को चुनौती देने का कोई अधिकार नहीं है। इस प्रकार प्रार्थी के प्रार्थना-पत्र के आधार पर सेवानिवृत्ति स्कीम के अंतर्गत प्रार्थी को सेवानिवृत्त करना किसी प्रकार अनुचित और अवैध नहीं है।

अधिनिर्णय

अतः यह अधिनिर्णित किया जाता है कि राजस्थान स्टेट माईन्स एण्ड मिनरल्स लिमिटेड द्वारा श्री ठाकराराम पुत्र खुशालराम को उसके प्रार्थना-पत्र के आधार पर सेवानिवृत्ति स्कीम के अंतर्गत सेवानिवृत्त करना किसी भी प्रकार अनुचित और अवैध नहीं है। अतः प्रार्थी अप्रार्थी से कोई अनुतोष प्राप्त करने का अधिकारी नहीं है।

यह अधिनिर्णय आज दिनांक 24-2-2004 को खुले न्यायालय में हस्ताक्षर कर सुनाया गया।

निशा गुप्ता, न्यायाधीश

नई दिल्ली, 16 जून, 2004

का. आ. 1638.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयरपोर्ट ऑथारिटी ऑफ इण्डिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 740/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-06-04 को प्राप्त हुआ था।

[सं. एल.-11012/25/2001-आई. आर. (विधि)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 16th June, 2004

S.O. 1638.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 740/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Airport Authority of India and their workman, which was received by the Central Government on 15-06-04.

[No. L-11012/25/2001-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday the 29th April, 2004

PRESENT :

K. Jayaraman, Presiding Officer

INDUSTRIAL DISPUTE No. 740/2001

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of The Airport Director, Airport Authority of India (IAD) and their workman).

BETWEEN :

Smt. N. Saraswathi : I Party/Workman

AND

The Airport Director : II Party/Management
Airport Authority of
India (IAD), Chennai

APPEARANCES :

For the Workman : Mr. R. Lawrence,
Advocate

For the Management : Mr. V. S. R. Hanu Babu
Koka, Advocate

AWARD

The Central Government, Ministry of Labour vide Notification Orders No. L-11012/25/2001-IR(M) dated 31-10-2001 referred the following dispute to this Tribunal for adjudication :—

“Whether the alleged ‘termination and non-employment to Smt. N. Saraswathi by the Airport Authority of India (IAD) is legal and justified? If not, to what relief is the workman entitled?”

2. After the receipt of the reference, the dispute was taken on file as I. D. No. 740/2001 notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations in the Claim Statement of the Petitioner are briefly as follows :—

The Petitioner entered into the service of the Respondent/Management on 1-11-1994 as a Sweeper and was carrying on her work faithfully and efficiently and after about 18 months the Petitioner was orally refused employment for no reasonable cause of excuse. The Petitioner's juniors namely one Devi, Lalitha, Kanaka, Elavarasan, Kandan, Banumathi, Shanthi, Kumaravelu have been made permanent by the Respondent and they are still working in the Respondent/Management. The termination of the Petitioner by the Respondent on 30-10-96 is illegal and amounts to clear unfair labour practice and even it is against the judgement of Supreme Court. Further, employing the juniors of the Petitioner would amount to discrimination, illegal and malafide in the eye of law. Therefore, the Petitioner prays that an award may be passed in her favour directing the Respondent to reinstate her into service with back wages and other attendant benefits.

4. As against this, the Respondent/Management in its Counter Statement contended that the Petitioner was not engaged as a workman by the Respondent either casual, temporary or on ad hoc basis as a sweeper. Further, when she was not employed, there is no question of orally refusing her any employment. Since she is not a workman within the meaning of Industrial Disputes Act, thereby the provisions of Industrial Disputes Act would not apply to her. Therefore, there was no appointment of the Petitioner with the Respondent and there is no relationship of employer and employee and therefore, the dispute is liable to be dismissed in limine. When the Petitioner was not employed by the Respondent, the alleged termination or non-employment of the Petitioner does not arise. Therefore, the question of unfair labour practice or violative of provisions of Section 25N or 25G of the Act would not arise. The Supreme Court on 30-8-2001 in Steel Authority of India Ltd. Vs. National Union Waterfront Workers case has quashed the Notification issued by the Central Govt. on 9th December, 1976 and overruled the judgement of Apex Court in Air India case prospectively. In that judgement, the Supreme Court further held that consequently, the principal employer cannot be required to order absorption of contract labour working in the concerned establishment. Therefore, the automatic absorption of contract labour in any establishment by the principal employer is not required. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

5. As against this, the Petitioner has filed a rejoinder in which she contended that the reference for adjudication to this Court is 'whether the management of Airport Authority of India is justified in terminating the services of the Petitioner'. Therefore, the Central Govt., Ministry of Labour have already concluded that the Petitioner was employed by the Respondent and the only question before this Tribunal for adjudication is whether the management of Airport Authority of India is justified in terminating the services of the Petitioner. Therefore, the Tribunal cannot go into the question 'whether the Petitioner was employed by the Respondent or not'. The Central Govt. was satisfied that Petitioner's employment was with the Respondent. Therefore, the question of justified termination or unjustified termination of the Petitioner alone has to be examined by this Tribunal. The judgement of Supreme Court in SAIL case will not apply to her case and it was not an order passed in appeal of Air Corporation case. Therefore, the law laid down by the Supreme Court in CARLIL Vs. CARBONIC SNOW BALL case will apply. The Petitioner who was employed by the Agent Mr. Vetrivelan and therefore, she prays that an award may be passed in her favour.

6. The points for my determination are :—

- (i) "Whether the alleged termination and non-employment of Smt. N. Saraswathi by the Respondent/Management is legal and justified ?
- (ii) To what relief, the Petitioner is entitled ?

Point No. 1 :

7. In this case, the Petitioner alone was examined on her side and she has marked only one document namely Ex. W1, which is a certificate given by one Mr. Vetrivelan, a labour contractor. Even though several adjournments were given to the Petitioner for examining her witnesses, the Petitioner has not availed of the opportunity and she has not examined any witness on her side. Therefore, this Tribunal has no other go except to give an award with the evidence of the Petitioner namely Smt. N. Saraswathi, WW1. In the claim Statement, the Petitioner alleged that she was appointed as a sweeper in the Respondent/Management on 1-11-94 and she was carrying on her work faithfully for 18 months and on 30-10-96, she was orally refused employment and no reason was given for her disengagement. Further no notice of termination and no compensation was paid to her. But in the rejoinder, she alleged that she was employed by the Respondent through an agent Mr. Vetrivelan and she was on duty from 1-5-95 to 1-11-96 and she has produced Ex. W1, which is a certificate given by Mr. Vetrivelan and in that it is mentioned that Smt. N. Saraswathi has worked as a sweeper under our contract with the IAAI, Chennai Airport from the period of opening on 1-5-1995 closing on 1-11-1996.

8. On behalf of the Respondent, it was contended that the Petitioner in her first claim statement has stated that she entered into the services of the Respondent on 1-11-94 directly, but on the contrary to this statement, in the rejoinder she has mentioned that she was engaged by the Respondent through an Agent Mr. Vetrivelan and she worked from 1-5-95 to 1-11-96. Even assuming for an argument sake that she was appointed as a contract labour, after the disposal of STEEL AUTHORITY OF INDIA LTD. Vs. NATIONAL UNION WATERFRONT WORKERS case, the Petitioner cannot claim absorption as a contract labour against the Respondent and therefore, there is no automatic absorption of contract labourers in any establishment by the principal employer and hence, the Petitioner is not entitled to any relief as claimed by her. It was further argued on behalf of the Respondent that since the Petitioner has taken a stand that she was appointed in the Respondent/Management, it is the bounden duty of the Petitioner to establish that she was appointed by the Respondent/Management as a sweeper. But, in this case, the Petitioner has not produced any acceptable evidence that she was appointed by the Respondent. She has taken a different stand in different times. At the first instance, in the Claim Statement, she alleged that she was appointed by the Respondent directly as a sweeper and in the rejoinder she alleged that she was appointed through a contractor Mr. Vetrivelan and she also produced a certificate Ex. W1 which is not proved to the satisfaction of the Tribunal. Even assuming for an argument sake that she was appointed as a contract labour, unless the Petitioner proves that the contract is sham and nominal and she has worked under the principal employer and the alleged contract is only camouflage, she is not entitled to get any relief. In this case, it is not established that the alleged contract between Mr. Vetrivelan and the Respondent/Management is sham and nominal and she worked under the Respondent/Management as a sweeper. Even though, she has produced a document Ex. W1, it is not proved how Mr. Vetrivelan can give such a certificate without producing any document and even the said Vetrivelan has not been examined in this case to substantiate the matter mentioned in document Ex. W1. As such, there is not even an iota of evidence to substantiate the claim of the Petitioner that she has worked under Mr. Vetrivelan as Contract Labour. I find much force in the contention of the learned counsel for the Respondent. Under such circumstances, I find the Petitioner is not entitled to any relief.

9. As I have already stated that the Petitioner has not examined any witness on her side to establish the contention that she was appointed by the Respondent directly or through Mr. Vetrivelan. The learned counsel for the Petitioner also has not argued before this Court, even after several opportunities were given to him. Under such circumstances, I have no other go except to come to

a conclusion that the Petitioner has not established her contention that she was employed as a sweeper under the Respondent either directly or through Mr. Vetrivelan, the alleged contractor. Under such circumstances, I find this point against the Petitioner.

Point No. 2 :

The next point to be decided in this case is to what relief the Petitioner is entitled ?

10. In view of my foregoing findings that the Petitioner has not established her contention that she was in employment under the Respondent and since she has not proved the master and servant relationship with the Respondent/Management, I find the Petitioner is not entitled to any relief. No Costs.

11. The reference is answered accordingly.

(Dictated to the P. A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 29th April, 2004.)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

For the I Party/ : WW1 Smt. N. Saraswathi
Workman

For the II Party/ : None
Management

Documents marked

For the I Party/Workman :

Ex. No.	Date	Description
WI	01-07-97	Service certificate issued by Sri J. Vetrivelan, Labour contractor to the Petitioner

For the II Party/Management : Nil

नई दिल्ली, 16 जून, 2004

का. आ. 1639.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंटरनेशनल एयरपोर्ट ऑथोरिटी ऑफ इण्डिया के प्रबंधन के संबंध में निवृत्त और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली-II के पंचाट (संदर्भ संख्या 94/88) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-06-04 को प्राप्त हुआ था।

[सं. एल.-11012/22/87-बी-2/डी III(बी)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 16th June, 2004

S.O. 1639.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 94/88) Central Government Industrial Tribunal-cum-Labour

Court, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of International Airport Authority of India and their workman, which was received by the Central Government on 15-06-04.

[No. L-11012/22/87 B-2/D III(B)]

B. M. DAVID, Under Secy.

ANNEXURE

**BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, RAJENDRA BHAWAN,
GROUND FLOOR, RAJENDRA PLACE,
NEW DELHI**

PRESIDING OFFICER :

R. N. Rai.

I. D. NO. 94/88

In the matter of

Sohan Lal Saini

Versus

International Airport Authority of India

NO DISPUTE AWARD

The Ministry of Labour vide its letter No. L-11012/22/87/D-II/BD-3B, Central Govt. dt. 31-8-88 has referred the following point for adjudication. The point runs as hereunder :—

“Whether the action of the management of International Airport Authority of India in terminating the services of Sh. Sohan Lal Saini, Wireman w.e.f. 1-11-86 is justified. If not, what relief the workman is entitled to ?”

The Claimant has filed application. I his application he has stated that an Award ID-57/2002 was filed by the employee Union and the management appeared therein and the Hon'ble Tribunal on 10-2-03 decided the award so this award has become infructuous and the claimant should be permitted to withdraw this Award. The copy of the Award has been annexed with the application in ID-94/88 Sohan Lal V/s International Airport Authority. Sohan Lal Saini is the complainant. The Union filed another Award. The case of both the Award are the same. So this case need not be adjudicated separately. He has filed for withdrawing the case.

I have perused documents on the record. It is not necessary to adjudicate the point referred to. No dispute Award is to be given as the similar matter has been decided previously.

No dispute award is given

Dated : 23-04-04

R. N. RAI, Presiding Officer

नई दिल्ली, 16 जून, 2004

का. आ. 1640.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एच. पी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-I, मुम्बई के पंचाट (संदर्भ संख्या 51/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-06-04 को प्राप्त हुआ था।

[सं. एल.-30012/125/97-आई. आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 16th June, 2004

S.O. 1640.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 51/98) of the Central Government Industrial Tribunal/Labour Court-I, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of HPCL and their workman, which was received by the Central Government on 14-06-04.

[No. L-30012/125/97-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, MUMBAI**

Present :

Shri Justice S. C. Pandey, Presiding Officer

Reference No. CGIT-51/1998

Parties :

Employers in relation to the management of Bharat Petroleum Corporation Limited

AND

Their Workmen

Appearances :

For the Management : Mr. R. S. Pai, Advocate

For the Workman : Mr. M. B. Anchan, Adv.

State : Maharashtra

Mumbai, dated the 31st day of May, 2004

AWARD

1. This reference is made by the Central Government under clause 1(d) sub section 1 and sub section 10 section 2A of the Industrial Disputes Act 1947 (the Act for short)

for adjudicating upon the industrial dispute between Bharat Petroleum Corporation Limited (B. P. C. L. for short) and the Petroleum Employees Union (the Union for short) representing Shri A. G. Kambli (the workman for short). The terms of reference for giving the adjudicatory award are as follows :

"क्या बी. पी. सी. एल. की प्रबंधन द्वारा श्री अजीत कांबली के विरुद्ध जांच रिपोर्ट में की गई सिफारिशों को अस्वीकार करते हुए उसी आरोप के लिए दूसरी जांच के आदेश नियोजन के सत्यापित स्याई आदेशों का उत्तराधिकार करते हैं। यदि हां तो क्या निर्देश दिए जाना आवश्यक है?"

2. It would be advisable to give the undisputed facts for narrowing the scope of controversy between the parties. It is undisputed that the workman was working as a Operator at Service Installaion of the B. P. C. L. at Mumbai. He applied for a leave of Rs. 30,000 by filing an application dated 18-3-94 given under a loan scheme of the B. P. C. L. provided to its employees. The loan was sanctioned as per letter dated 22-3-94 and was disbursed to the workman on 19-4-94. The workman was required to purchase a Motor Cycle within one month of receipt of loan or refund the same to the B. P. C. L. under an express condition of grant of loan. The workman did not purchase Motor cycle within the stipulated period. The workman was served with a notice dated 25-10-1994 requiring him to explain his conduct. The reply of the workman dated 16-11-94 was to the effect that owing to family circumstances mentioned in letter he was unable to purchase the vehicle. The explanation was not accepted and the workman was served with a charge sheet dated 16-12-94. The workman gave reply to the charge sheet by letter dated 04-2-95 stating that he had booked the Motor cycle on 15-1-94 and had received the same. He requested that the charges framed against him be dropped. However, the purported Disciplinary Authority, Dy. General Manager (Dist.) W. R. was not satisfied with the conduct of the workman, and therefore, instead of dropping the purported enquiry decided to proceed with it. It would not be out of place to give a short of summary of the charge sheet. It was stated in the charge sheet that the workman had taken loan under an express condition that he shall purchase a Motor Cycle within a period of one month from the date of receipt of loan or refund the amount. It was stated that the action of the workman amounted to a misconduct. The workman was charged with the breach of terms of loan on the aforesaid facts which amounted to Commission of misconduct as given in the charge sheet as follows : "*attempt to secure in a fraudulent manner pecuniary advantage from the Corporation fund*" It is not in dispute that the workman appeared and faced the enquiry defending himself fully before the enquiry Officer Shri S. S. Negi, Manager Bituman Sales. The enquiry officer found in his report

dated 09-10-95 that the charges framed against the workman was not proved. The disciplinary authority, Dy. G. M. (Dist.) W. R. issuing the charge sheet disagreed with the report of the enquiry officer. He issued the following letter dated 26-8-96.

ADM. B. S.(L) CON 26-8-96

Shri A. G. Kambli

General Operative

Sewree Intallation

(Through S. I. M., Sewree)

Sub : Domestic Enquiry—Yourself

Enclosed please find copy of the Enquiry Officer's Report in the domestic enquiry conducted into the charges alleged against you vide Charge sheet No. ADM. 8.3(L)CON dated 16-12-94. I have carefully gone through the report of the Enquiry Officer and examined the contents therein. I find that the findings of the E.O. are perverse and not in consonance with the evidence led in the enquiry and the documents placed on records during the enquiry. As such I do not concur with the Enquiry Officers report and findings therein. Based on the evidence adduced in enquiry, the documents relied upon during the enquiry and the facts and circumstances of the case, I came to the conclusion that the charges leveled against you vide above referred charge sheet stand conclusively proved. I enclose as annexure, my findings and analysis of the evidences led in the enquiry.

However, before a final view is taken with regard to the disciplinary action, you are hereby given an opportunity to give your representation to the Enquiry Officer's report, if any and to my findings and analysis referred to above within 20 days of the receipt of this letter which will be taken into consideration while deciding the punishment. In case, I do not receive your representation within the stipulated period, I shall conclude that you have nothing to represent, and shall proceed with further course of action.

R. M. GUPTA

DGM (DIST), WR.

The workman gave the following reply to the letter dated 26-8-96 which received in the office on 3-10-96.

Mr. R. M. Gupta, 30-9-1996

D. G. M. (Dist.) W.R.,

BPCL, Mumbai

Dear Sir,

Sub : My Domestic Enquiry

I refer to your letter No. ADM.B.3(L) Con. 26-8-1996 and wish to submit as under :

I was issued a show cause letter No. Sew. 103. Con. dated 25-10-1994 and I had given explanation to that letter

on 16-11-1994. As my explanation was found unsatisfactory, the Corporation issued a charge sheet No. ADM.B3(L) Con. Dated 16-12-1994, the enquiry was started on 31-3-1995 and I was given an opportunity to defend the case in order to prove my innocence as per the principles of natural justice. The enquiry was ended on 8-9-1995.

As an enclosure of your said letter, I have also received the report of the Enquiry Officer Ref. GM(WR) 2.23.1 dated 9-10-1995 addressed to DGM(D) WR i.e. yourself. I found in that report that the enquiry officer after taking into account of the Presenting Officer of the Company and the Defence Counsel and various documents taken on record, came to the conclusion that I am innocent and he has absolved me from the charges framed by the Corporation vide your said charge sheet, ADM.B3(2) Con. Dt. 16-12-1994. In this connection, I refer to the 4 items in the Section E, inference in the page No. 9 of the Enquiry Officer's Report.

As per the clause 29 of the Certified Standing Order, I find no provision for the competent authority to refuse the report of the Enquiry Officer who is given the authority to enquire into the charges levelled against me as per the clause 28.23 of the C.S.O. I have fully complied with the provisions of C.S. order clause No. 29.4 and I am also expected to act as per the clause 29.5.4 of the certified standing order (CSO)

If I am acquitted by the enquiry officer on the basis of the enquiry conducted as per the clause of (CSO) 29.4, I find no suitable clause in the certified standing order which gives the nominee of the competent authority to conduct an enquiry on the Enquiry Officer, who has submitted the enquiry report to the authority. As such your observation against the Enquiry Officer Mr. S. S. Jogi, who had conducted my domestic enquiry against the said charge sheet is untenable and improper and illegal. Without prejudice to my right to refuse to accept your observation and conclusion about the Enquiry Officer's report and his decision, I wish to state that as per the principles of natural justice, your act has denied natural justice to me which is illegal and improper.

Under these circumstances, standing within the limit of the certified standing order, I fully accept the finding and the order of the Enquiry Officer in my enquiry and request you to issue necessary orders in this regard. I also request you to refer point 4 of para 'E' Inference of the said enquiry report and refund me the penal interest charged from August 1995 as it was illegal and improper on your part to deduct the same.

Thanking you,

Yours faithfully,

(A. S. Kambli)

After receiving the reply dated 3-10-96, the order dated 2-12-96 was passed by S. Radhakrishnan, General Manager (WR). He passed the following order.

GM (WR) 3.7/CON

December 2, 1996

ORDER

SUBJECT : Domestic Enquiry : Shri A. G. Kambli

(6468) GENERAL OPERATIVE, SEWREE
INSTALLATION

Shri A. G. Kambli (6468) a General Operative at Sewree installation was sanctioned a vehicle loan of Rs. 30,000 vide our letter dated 22-3-1994. The vehicle loan was disbursed to him on 19-4-94. As per terms of vehicle loan Shri A. G. Kambli was required to purchase a vehicle and submit receipt within one month of the disbursement of vehicle loan. Shri A. G. Kambli did not purchase the vehicle and the amount of vehicle loan was misused for the purpose other than purchasing the vehicle.

Shri A. G. Kambli was issued a show cause dated 25-10-94 followed by a Charge sheet dated 16-12-94 charging him with :

"Attempting to secure in a fraudulent manner pecuniary advantages from the Corporation's fund."

The enquiry into the above charges was conducted as per the principles of natural justice where in Shri A. G. Kambli was given full opportunity to defend his case. Shri A. G. Kambli was represented in the enquiry by a defence counsel of his own choice. The PO led the evidence and produced the relevant documents to prove the misconduct of Shri A. G. Kambli. I however, found that contrary to the evidence led in the enquiry and the documents produced to prove the charge against Shri A. G. Kambli the Enquiry Officer did not hold him guilty as charged. The Enquiry Officer's report was sent to Shri A. G. Kambli for his representation along with the finding and analysis of DGM(Dist) on the Enquiry Officer's Report. Shri A. G. Kambli vide his letter dated 30-9-96 sent in his representation wherein he has raised certain points which have considered. Shri A. G. Kambli in his representation raised an objection on the authority of the Disciplinary Authority on reviewing the Enquiry Officer's report. Although, the disciplinary authority is within his right to review the findings of the Enquiry Officer, however, I am of the opinion that in order of a fair play Shri A. G. Kambli may be given one more opportunity to explain his position.

I therefore, order that the above said enquiry may once again be opened and conducted afresh. It will be however prudent that the enquiry be conducted by another Enquiry Officer who will complete the enquiry with quick dispatch.

The above said enquiry will be conducted by Shri S. D. Despande, Sr. Plant Manager, Uran at Sewree Installation on 17th December 1996 at 10.00 A.M., all the concerned by hereby advised to attend the enquiry as scheduled:

S. RADHAKRISHNAN

GENERAL MANAGER (WR)

Thereafter, the workman appeared before the new enquiry officer in all the hearings fixed by the enquiry officer. On each hearing he asked for adjournment of enquiry on the ground of pendency of Conciliation proceedings before the Conciliation Officer in respect of same subject matter. The workman's request for adjournment on hearing was rejected which was on 07th date of hearing 14-2-97. The enquiry was held. The workman was present but he did not participate. The enquiry officer found that the charge against the workman was proved. The workman was given an opportunity to represent against the findings by letter dated 24th May 1997. He replied on 23rd June 1997 against the report. Thereafter, Shri S. K. Sharma, General Manager (WR) passed the order dated 12th August 1997 demoting him from the post of Operator (Field) IV grade to Operator (Field) V grade I and his basic salary was revised from Rs. 2,997 to 2,961.

3. The workman in his statement of claim raised the following grounds amongst others. It was submitted in paragraph 2 of the Statement of claim that the Deputy General Manager had come to different conclusion even before he supplied the copy of the enquiry report to the workman and held him guilty of the misconduct by order dated 28-6-96. It was submitted further that when the workman challenged the authority of the Deputy General Manager to initiate the enquiry, the General Manager ordered fresh enquiry for same incident. It was alleged that the order of notice of fresh enquiry was malafide. It was pleaded in paragraph 3 that the chargesheet could issued by the Deputy General Manager (WR) was issued by the incompetent authority, and consequently, the second enquiry was invalid. In paragraph 4 the power of deputy to review the findings recorded by the enquiry officer was challenged on the ground that he was incompetent to review. In paragraph 5 the action of Deputy General Manager recording a different conclusion from that which was reached by enquiry officer behind the back of the workman was challenged. It was urged that Dy. General Manager upset the findings of the enquiry officer without supplying a copy of report of the enquiry officer. The conclusion was vitiated because the workman was entitled to show that the enquiry was good. In paragraph 6 the workman challenged the power of the District Manager to order a fresh enquiry. It was stated there was no such power given in the Standing Orders. It was submitted in paragraph 7 that Union had raised an

industrial dispute before the Conciliation Officer, the Asstt. Labour Commissioner, Mumbai for restraining the Corporation from holding second enquiry on 10-12-95. The matter was pending till 11-12-97. The fact of pendency was brought to notice of the enquiry officer but he did not adjourn the proceedings. The Enquiry and the consequential order of dismissal was bad in law. It was stated in paragraph 10 that he had not committed any misconduct. He had not defrauded the BPCL to get a pecuniary advantage. The charge itself was illegal and malafide.

4. The B.P.C.L. in its written statement stated that the reference was not maintainable. After stating the undisputed facts regarding issuance of chargesheet, holding enquiry, the report of the enquiry officer the disagreement of the Disciplinary Authority issuance of show cause notice and ordering of new enquiry, it stated that the reference 'questioning the Authority of the Disciplinary Authority to reopen the findings of the Enquiry Officer was not maintainable'. The power to disagree vested in the Disciplinary Authority under Standing Orders applicable to the workman. In parawise reply the B.P.C.L. did not dispute the basic facts. In a nut-shell its case was that the workman was bound to refund the loan of Rs. 30,000 received by him if he could not purchase a vehicle within 30 days. Instead the workman deployed that amount for purposes other than the purchase of vehicle. He did not purchase the vehicle or refund the lumpsum of Rs. 30,000 despite repeated oral reminders. The workman admitted that he could not purchase the vehicle owing to family problems. Therefore, the enquiry was held against him. The enquiry officer exonerated the workman but the Disciplinary Authority issued show cause notice. In the reply to show cause notice the workman challenged the authority of Deputy General Manager Dist. (WR) to issue chargesheet. Thereupon a fresh enquiry was ordered. The workman was found guilty of having committed the misconduct. Thereafter, the impugned order was passed. The BPCL stated that the Deputy General Manager was competent to issue chargesheet. The workman was given a fresh opportunity by the General Manager. He did not participate in the enquiry conducted by Shri Deshpande. The enquiry officer found that the workman had committed the misconduct. Even undisputed fact show that workman did not purchase or refund Rs. 30,000 within 30 days. He booked the Motor Cycle for purchase on 15-1-1994 despite oral reminders. He received the same before he gave his reply to the charge sheet. The BPCL denied all the legal points raised by the workman including the fact that the second enquiry was vitiated on the ground of denial of principle of Natural justice as well as on the question of perversity of findings recorded in the second enquiry. It was stated that the company had followed the Standing Orders and given the workman full opportunity on merits of the charges framed

against the workman and the quantum of punishment. The order dated 12-8-97 was rightly passed. In paragraph 9 of the written statement the fact that the workman had raised industrial dispute as alleged by him on 10-2-95 in paragraph 7 was denied. This paragraph of the written statement is in reply to paragraph 7 of the statement of claim. It is sought to be shown that in this paragraph that proceedings before conciliation authority were admitted on 11-2-97 and therefore, order dated 12-8-97 was justified.

5. The workman examined Shri Satish Kumar Nair by filing his affidavit examination in chief. The counsel for the company cross-examined him. The counsel for the workman closed the case. The counsel for the company expressed that he did not want to examine any witness. Both the counsel filed written arguments as well as oral on the basis of documentary evidence on record. The parties agreed that the tribunal was entitled to look into points of law arising from admitted facts on record for deciding the reference despite the non-framing of preliminary issues. The matter was adjourned from time to time for oral arguments despite the fact the parties had filed the written arguments on 10-10-2002 as per order sheet.

6. The workman had raised the point to the effect that the entire enquiry was vitiated because the workman had not secured a loan in a fraudulent manner for getting pecuniary advantage from the fund of the Corporation. In other words no chargesheet could be framed against the workman because his conduct did not amount to a misconduct. The learned counsel placed reliance on the decision of the Supreme Court in case of A. L. Kalra Vs. Project Equipment Corporation of India reported in 1984 Lab IC 961. Prima facie the Supreme Court decision supports the contentions of the learned counsel for the Union because facts of the Supreme Court similar in as-much as the appellant had taken conveyance advance for purchasing a Motorcycle and had not refunded the amount after expiry of the stipulated period in the event of non-purchase despite the advice to refund it. Subsequently, he purchased the Motorcycle. It was alleged that appellant had violated the rules 8 and 10 of conveyance Advance Rules of the Corporation. It would be apparent from the aforesaid facts that the appellant in that case was charged for lack of integrity and conduct unbecoming of public servant. However, it is essential for this tribunal to determine the nature of charge framed by the BPCL against the workman because even if the facts may be apparently same the fact remains that the workman was working in a different organization and he was subjected to different rules. The Standing Orders of the BPCL are on record. The Standing order 28 defines the various kinds of misconduct. The workman has been charged under Standing Order 28.23. The language of charges is the same

as that of the aforesaid Standing Order. In the case of A. L. Kalra (supra) the misconduct in respect of loan of Motor cycle related to the rules which were not in themselves covered by the rules specifically pointing out a misconduct for which punishment was provided by this rules. The rules were general requiring the employers to follow them. The Supreme Court in that case took the view that charges could not be framed on a misconduct which has not been defined. This general statement of law by Justice D. A. Desai heading (three judge Bench) appears to be based on the earlier decision reported in Glaxo Laboratories (I) Ltd. Vs. Presiding Officer Labour Court 1983 Lab IC 1909. It appears that the case of A. L. Kalra (supra) did not expressly consider decision of the case of Mahendra Singh Dhantwal Vs. Hindustan Motors Ltd. 1976 II LLJ 259. This too is a three judge Bench case. In this case their Lordships pointed out that it was not possible to be exhaustive on all counts of misconducts. The Standing Orders of a company describe only certain cases of misconduct and same cannot be exhaustive of all species of misconduct, which a workman may commit. Therefore, their Lordships were of the view that under facts special case charges may be framed which are not covered by Standing Orders. It is possible to reconcile these apparently conflicting rulings by stating that the case of Dhantwal (supra) was dealing with a special case, whereas normally the charges are framed on the basis of specific misconduct mentioned in the Standing Orders. However, this tribunal bound to consider whether facts stated in the chargesheet in themselves constitute a misconduct within the meaning of Standing Order 28.23. It reads as under :

28.23 : Securing or attempting to secure in a fraudulent manner pecuniary advantages from the Corporation or from the funds created by the Corporation.

SUBJECT : YOURSELF : CHARGESHEET

It has been reported against you as under :

You had applied for a loan of Rs. 30,000 for purchasing a Motorcycle by your Application dated 10-3-1994 under the Company's Vehicle Loan Scheme :

By our letter No. B. PER.VL. CO dated 22-3-1994 a loan of Rs. 30,000 was sanctioned to you for the purchase of the vehicle on the terms and conditions mentioned in the said letter. The said loan was sanctioned to you on the expressed condition that in the even you fail to purchase the vehicle within a period of one month from the date of disbursement of the loan, you were to refund this loan to the Corporation immediately.

The loan was disbursed to you on 19-4-1994. You did not however purchase any vehicle with the loan sanctioned to you and despite repeated verbal reminders

and our written reminder dated 29-6-1994 you have not refunded the loan to the Corporation.

Your above act tantamount to serious acts of misconduct if proved, inasmuch as you have violated the terms and conditions of the agreement by not utilizing the loan amount which was specifically paid to you for purchase of a two wheeler and by retaining the loan amount with you beyond the stipulated time.

In the premises above you are charged as under :

"Attempting to secure in a fraudulent manner pecuniary advantages from the Corporation's fund".

An enquiry into the above charge will be conducted in which you are required to participate. In case you fail to attend the enquiry or having attended do not participate in it, the enquiry will proceed *ex-parte*. The time, date and place of the enquiry will be intimated to you at a later date.

In the mean while, you may submit your written explanation to the undersigned within 7 days of receipt this letter, failing which we will presume that you have no explanation to offer.

You may bring a fellow workman to defend your case, you may also produce such evidences/witnesses that may have bearing on the case.

Please sign the duplicate copy of this letter as a token of having received the original.

B. S. Sant

DGM (DIST.) WR.

The workman had filed proforma application dated 1-3-94 for grant of loan. He was granted loan as per agreement dated 22-3-94. (marked as Exhibit No. 8 in the enquiry at page 1023 of documents filed by the Corporation. The clause (f.) of the letter granting loan reads as under :

"In the event, you do not purchase a vehicle within a period of one month from the date of disbursement you shall arrange to refund the loan within a period of one month from the date of disbursement of the loan, you shall arrange to refund the loan within a period of one month failing which :

- (i) Penal interest at an additional 5% above bank rate shall be charged on the loan taken by you for the period in excess of one month until the amount is refunded.

- (ii) You shall not be sanctioned another (loan) for purchase of the vehicle for a period of 5 years from the date of default of the first one.

In view of condition (f) that Exhibit No. 8 dt. 22-3-94 signed by both the parties, the workman had option not to purchase the vehicle and pay penal interest if he did not refund the amount within 30 days. Under these circumstances, how can it be said that the workman obtained any pecuniary advantage from the fund of the Corporation. The Corporation reserved to itself right of charging penal interest in case the loan amount was not refunded within 30 days. Since this was an agreement the advantage if any was offset by the penal interest. The question obtaining pecuniary advantage did not arise because the terms and agreement permitted the workman to retain Rs. 30,000 and pay penal interest of 5% above the Bank rate for the period in excess of five months and forgo a loan on vehicle for a period of five years. There was no attempt to defraud the Corporation as no pecuniary advantage could be received by the workman. The loan was refundable even if the vehicle was not purchased. It could be recovered from the workman as per agreement along with penal interest. Thus no charge could be framed for taking any pecuniary advantage. The workman could not be saddled with responsibility of causing wrongful loss to the Corporation as the loan was liable to be refunded at higher rate of interest. Non-purchase of vehicle was an option to the workman provided he was willing suffer under the conditions mentioned in clause (f) of the agreement. Thus, this tribunal is of the opinion that the workman committed no misconduct under Standing Order No. 28.23. In view of this matter, it would be futile to consider the matter any further. Thus, this tribunal is of the opinion that even if all the facts stated in the chargesheet against the workman are accepted as admitted even then workman did not commit misconduct and he cannot be punished.

7. The reference is answered by stating that since this tribunal has come to the conclusion that Corporation was not entitled to frame a chargesheet there was no question of holding any enquiry against the workman. The conclusion of the first enquiry was correct that workman was not guilty of committing any misconduct. The order of Corporation dated 12-8-97 awarding punishment of demotion from the post of Operator (Field) V to Operat or (Field) IV and revising pay from 2,997 to Rs. 2,961 is void and inoperative in law. The workman shall be restored to his original status from 12-8-97. He shall be entitled to consequential benefits including back wages as if he was holding the post operator (field) V. The Corporation shall make necessary adjustment if he is found to fit for further promotion. No costs.

S. C. PANDEY, Presiding Officer

नई दिल्ली, 16 जून, 2004

का. आ. 1641.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एच. पी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण I, मुम्बई के पंचाट (संदर्भ संख्या 46/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-6-2004 को प्राप्त हुआ था।

[सं. एल.-30012/30/97-आई. आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 16th June, 2004

S.O. 1641.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 46/99) of the Central Government Industrial Tribunal/Labour Court I, Mumbai now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of HPCL and their workman, which was received by the Central Government on 14-6-2004.

[No. L-30012/30/97-IR(C-1)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT :

Shri Justice S.C. Pandey, Presiding Officer

REFERENCE NO. CGIT-46 OF 1999

Parties : Employers in relation to the management of M/s. H.P.C.L.

AND

Their workman Shri U.G. Shevate

Appearance :

For the Management : Shri R.N. Shah, Advocate

For the Workman : Shri M.B. Anchan, Advocate

State : Maharashtra

Mumbai, dated the 01st day of June, 2004

AWARD

1. This is a reference made by the Central Government under clause (d) of sub-section 1 and sub section 2A of Section 10 of the Industrial Disputes Act 1947 (the Act for short) for adjudicating upon the following industrial dispute between the Hindustan Petroleum Corporation Ltd., Mumbai (The HPCL for short) and Uttam Govind Shevate (the workmen for short). The terms of the dispute are as follows :

"क्या एच.पी.सी.एल. मुम्बई के प्रबंधन द्वारा श्री उत्तम गोविन्द सावते को दिनांक 4-6-90 से सेवा से बर्खास्त किया जाना उचित एवं न्यायसंगत है ? यदि नहीं तो कर्मकार किस राहत के पात्र है ?"

2. The undisputed facts for the purpose of disposal of this case may be stated. The workman was serving as Superintendent at Bombay Fuels Refinery of the H.P.C.L. in OM and S Department. He was served with charge sheet dated March 14, 1988. The purport of the charge was that the workman entered into conspiracy with a transporter namely Parasnath R. Singh and other employees of HPCL named in the charge sheet and loaded excess C.B.F.S. in Tank Trucks of Contractor on 4-2-1986 and 25-2-1986 for illegal gratification in cash. The charge sheet stated that misconduct committed by workman and mentioned in the charge sheet as per items No. a to f were in violation rule 1, 2, 6, 17, 21 and 31 part II of the Conduct Discipline and Appeal Rules for Management. The statement of allegations and the list of witnesses are enclosed with charge sheet. The workman submitted his explanation dated 21-3-1988. The explanation was found unsatisfactory by the Competent Authority. An enquiry was held against the workman under the Hindustan Petroleum Management Employees Conduct Discipline and Appeal Rules, 1976. (CDA Rules for short). The workman was found to have committed misconduct as per report dated 8-1-1990 submitted by enquiry officer. By order dated June 4, 1990 the Chairman and Managing Director passed the order of dismissal. The workman's appeal under Rule 1-Part II of the CDA Rules was dismissed by order dated February 9, 1991 passed by the Chief General Manager. The order of dismissal was challenged by the workman in W.P. No. 1387 of 1991. The workman withdrew that Writ Petition as per order dated 20-6-1991. The Division Bench of the Bombay High Court stated as follows :

"Allowed to be withdrawn on an application of counsel for the Petitioner on disputed question of facts as the disputed questions of facts can be determined in the suit."

Thereafter the workman moved the Regional Labour Commissioner (Central) Mumbai for starting conciliation proceeding. The conciliation failed resulting in failure report but the Central Government after considerable time declined to refer the dispute on the ground that he was not a workman as he was discharging function in supervisory capacity within HPCL. The workman filed fresh Writ registered as W.P. No. 1125 of 1998. The High Court by order dated 6-7-1998 ordered that it was not competent to the Central Government to determine if the workman is covered by Section 2(s) of the Act. It was the function of Industrial or Labour Court Accordingly Central Government referred the dispute to this Tribunal as directed by the High Court of Bombay.

3. The workman submitted in his statement of claim that the enquiry held against him was in violation of the principles of natural justice because looking to the gravity of the charges he was not permitted to engage his advocate to defend him. It was stated the enquiry officer rejected the request of the workman to engage one K.N. Krishnan, an office bearer of the Employees' Union. The workman was also not permitted to engage a suspended employee on the ground that he was not called by the definition of "public servant" within the rules. It was further pleaded by the workman that by judgement dated 6th July, 1999, he was honorably acquitted. The judgement was not considered by the enquiry in his report. The workman was not questioned under Rule 15 of the rules, which was mandatory. It was submitted that workman was not given reasonable opportunity as Shri V.D. Mahute and Shri Bhandarkar confessions were relied upon were not examined in the domestic enquiry. The authors and makers of the documents were not examined instead other witness were examined. The workman was not given copy of the enquiry report for his comments. The workman was paid 50% of the subsistence allowance and for this reason the enquiry was vitiated. The findings of the enquiry officer are perverse. The enquiry report did not confirm to the rules. The burden of proof was placed on the workman in the enquiry. It was not completed within 90 days. The workman challenged the findings and order of the enquiry officer were challenged as per paragraph 18 and 27. They can be covered under the rule perverse or contrary to principles of natural justice. It is not necessary to repeat them. The discussion shall be appropriate if necessary.

4. In the written statement, it was pleaded that workman was not covered by Section 2(s) of the Act. The HPCL pleaded that the aforesaid point went to the root of the matter and that it should be decided. It is not necessary the pleadings of the company in details. Suffice is to say that it was claimed that workman was serving as a Superintendent. He was supervising the functions of the persons below him. He had powers of supervision. It was pleaded that workman joined as Process Technician in Grade R-08. He was promoted grade R-09. The further promotion on 25th March, 1986 as Superintendent—Production (shift) in the OM & S Department at Mumbai refinery. It was claimed that this part was that of Management Cadre A on the pay scale of Rs. 1050-50-1750-60-2110. The workman accepted terms and conditions of appointment. He was also required to perform supervisory duties mentioned in paragraph 2 indicated by items No. (a) to (j). The further allegation regarding the framing the charge sheet and holding of enquiry are pleaded in great details. Since the main facts are not in dispute as earlier stated, the area of dispute narrows down to statement by the HPCL that the principles of natural justice were not violated and the

findings are not perverse. It was not disputed that the enquiry was conducted as per Rules. The factual statement regarding representation through lawyers were not much in dispute. It was denied that workman was not given reasonable for the reasons given in the statement of claim and the findings of the enquiry were perverse. Every paragraph of statement of claim was denied so far as the inferences down from the undisputed facts were concerned thus in effect each paragraph was denied.

5. The workman filed a detailed rejoinder reiterating his case. Nothing new was stated.

6. This Tribunal framed the following issues by order dated 25-10-2002 :

- "1. Whether the departmental enquiry held against the workman is fair and proper and in accordance with the principles of natural justice ?
2. Whether the findings of the Enquiry Officer are perverse ?
3. Whether the second party is a workman within the meaning of Section 2(s) of the Industrial Disputes Act, 1947 ?
4. If not, what relief the workman is entitled ?"

7. The issue No. 3 is the question, which goes to root matter. If workman is not covered by the definition of workman under Section 2(s) of the Act, thus the reference fails. It is clear from the order of promotion dated 25th March, 1995 (Exhibit M-9) that workman was being promoted to management position in the salary scale of HPCL 1050-50-1750-60-2110. The workman was entitled to D.A., H.R.A., etc. It has been also stated in the order of appointment :

"You are required to perform supervisory responsibilities which are reflected in your remuneration. You should be aware of these responsibilities and conduct yourself accordingly."

"You will not be entitled to any other payment by way of deferred wage overtime, extra duty and other allowances normally paid to non-management employees. Also the payment of bonus will be regulated in terms

You will be bound by any rules, regulations and orders promulgated by the company from time to time in relation to Conduct, discipline, medical, retirement and any other matter as though these rules, regulations and orders were a part of this contract of promotion

The last clause is as follows :

"Since your promotion to Management Cadre is prior to your attaining 48 years of age you will receive gratuity as per the Gratuity Policy applicable

to you upto the date of your promotion. In addition, you will be entitled to gratuity as per applicable policy to new HPCL management staff for the period of your services as management staff. The amount of combined gratuity payable for the entire period of service will be as specified in para 7 of the Attachment.”

8. The workman does not dispute that he accepted the letter of promotion and signed the order of promotion. Not it is necessary to do well upon the question when a person accepts his promotion to management cadre from the initial cadre of workman, what shall be the consequences. What is a promotion? A promotion is an appointment in higher cadre. So far as that higher cadre is concerned, it is a good as a fresh appointment. Therefore *prima facie*, an appointee to a management cadre, whether appointment directly or by way of promotion, cannot say that his appointment was in the grade of workman. In this case the order of appointment it says that that the workman shall be required to perform “supervisory responsibilities” reflected in his remuneration. It means that workman was being paid more for performing these responsibilities. It was also made clear that workman shall not be paid overtime, extra duty by way of deferred wage. It was also made clear that he would be backed by the rules framed by the company in respect of discipline, medical treatment and retirement etc. and other matters as if they were part of the promotion of contract. Thus even these rules were different than the Standing Orders applicable to the workman. The workman himself admits in cross-examination that Superintendent is in managerial cadre. He also admitted that he was not governed by settlements signed by non-management with the company. He admitted that he could write the self-appraisal of his work. He admitted that he was governed by Discipline and Appeal rules. He did not dispute that he was overseeing the job performed by the Senior Process Technician in respect of item Nos. 11, 12, 13, 14, 15, 16, 17 (11 to 17) 22, 23, 24 (22 to 24). The workman had done the work of overseeing the work done by Senior Process Technician. He admitted that he used to guide operators in respect of item Nos. 51 and 52. In view of this admission and the fact that workman did not challenge the application of CDA Rules, it can easily inferred that after promotion the workman did not think that he was still in cadre of workman. In fact no one belonging to managerial thought so. Despite, the terms of order of appointment, the workman sought to show that he was covered by Section 2(s) of the Act, then burden of proof was upon him to show that in fact the order of appointment was a sham or camouflage created with a view to deprive the Superintendent the benefits of the cadre of workman. No such specific pleading are there. On the other the evidence of Dilip Gopal Ghatkar and Ajit Shashikant Patel examined by the HPCL show that

the workman is required to oversee the work of technicians is performed properly. Thus workman was unable to prove that his promotion to the managerial cadre was made with a view to deprive him of the rights of a workman. He was bound to plead and prove that the managerial cadre to which he was promoted was in fact confined to the work done by a workman mentioned in Section 2(s) of the Act.

9. The result of the above discussion is that this Tribunal is of the view that workman was unable to prove that he was covered by Section 2(s) of the Act on 4-6-1990 at the time of his dismissal. In view of this matter the workman was not entitled to raise an industrial dispute which could be referred to this Tribunal under clause (d) of sub-section 1 and sub-section 2A of Section 10 of the Act. It is therefore not necessary to decide other issues No. 1 & 2 in this reference. Thus the issue No. 3 is decided against the workman and in favour of the company. In view of the fact that this Tribunal has held that it has no jurisdiction to adjudicate upon the reference, it is not necessary to decide issues Nos. 1 and 2. This Tribunal does not consider it necessary to refer to any decision cited because the either party because its conclusion is based on facts.

10. Thus the reference made to the Tribunal is answered by saying that the workman is not covered by Section 2(s) of the Act and therefore this reference is not maintainable. This Tribunal has no jurisdiction to grant any relief to the workman. The workman is entitled to no relief.

S.C. PANDEY, Presiding Officer

नई दिल्ली, 16 जून, 2004

का. आ. 1642.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एच. पी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण I, मुम्बई के पंचाट (संदर्भ संख्या 47/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-6-2004 को प्राप्त हुआ था।

[सं. एल.-30012/112/98-आई. आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 16th June, 2004

S.O. 1642.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 47/99) of the Central Government Industrial Tribunal/Labour Court I, Mumbai now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of HPCL and their workman, which was received by the Central Government on 14-06-2004.

[No. L-30012/112/98-IR(C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1,
MUMBAI

PRESENT :

Shri Justice S.C. Pandey, Presiding Officer

REFERENCE NO. CGIT-47 OF 1999

Parties : Employers in relation to the management
of M/s. H.P.C.L.

AND

Their workman Shri M.R. Bhandarkar

Appearance :

For the Management : Shri R.N. Shah, Advocate

For the Workman : Shri M.B. Anchian, Advocate

State : Maharashtra

Mumbai, dated the 01st day of June, 2004

AWARD

1. This is a reference made by the Central Government under clause (d) of Sub-Section 1 and Sub-Section 2A of Section 10 of the Industrial Disputes Act, 1947 (the Act for short) for adjudicating upon the following industrial dispute between the Hindustan Petroleum Corporation Ltd., Mumbai (The HPCL for short) and M.R. Bhandarkar (the workman for short). The terms of the dispute are as follows :

“क्या एच.पी.सी.एल. मुम्बई के प्रबंधन द्वारा श्री एम.आर. बंधारकर को दिनांक 4-5-90 से सेवा से बर्खास्त किया जाना उचित एवं न्यायसंगत है ? यदि नहीं तो कर्मकार किस राहत के पात्र हैं ?”

2. The undisputed facts of this case are that workman was serving as a Senior Superintendent at Bombay Fules Refinery of the HPCL. He was promoted as Acting Deputy Manager. The workman was given charge sheet dated March 14, 1988. The purport of charge sheet was that he conspired with a Transporter named Parasnath Ramdulere Singh, along with the employees of the HPCL named in the charge sheet for loading excess CBFS in the Tank Trucks of the Contractor on 4-2-1985, 3rd January, 1986 and 29th February, 1986. For aforesaid over loading it was alleged that workman received the amounts mentioned in the charge sheet by way of illegal gratification for distribution between the conspirators. Therefore workman was charged with the violation of rules, 1,2,4,6,17,212 and 31 of part II of Conduct Discipline and Appeal Rules for Management Employees. The workman gave reply dated 19 March, 1988. However the explanation was found unsatisfactory. No enquiry was

held against him under the Hindustan Petroleum Management Employees Conduct Discipline and Appeal Rules, 1976 (The CDA Rules for short). The workman was found to have committed conduct as per enquiry report dated 8-1-1990. By order dated 4-6-1990 the workman was dismissed. The workman filed Appeal under Rule 1 Part II of the CDA Rules. It was dismissed by order dated 9-2-1991. The workman filed W.P. No. 1386 of 1991. The Division Bench permitted the withdrawal of Writ Petition passing order as follows :

“P.C. Allowed to be withdrawn on an application of Mr. Menon, counsel for the Petitioner, as the petition involves disputed question of facts and proper remedy is to file a suit.”

Thereafter the workman approached the Regional Labour Commissioner (Central) Mumbai. The conciliation proceedings failed but the matter was not referred to this Tribunal for considerable time. Ultimately the matter was referred by the Central Government when the workman filed W.P. No. 1676 of 1999.

3. In his statement of claim the workman submitted that he was a ‘workman’ within the meaning of Section 2(s) of the Act. He was governed by the Standing Orders applicable to workman. Therefore the enquiry held under CDA Rules was bad. The workman submitted that out of five documents mentioned by him in paragraph, he was supplied with only two documents mentioned in paragraph 5 of his statement. The non-supply of three material documents amounted to violation of the principles of natural justice. It was alleged that the charge of conspiracy and illegal gratification was subject matter of criminal charge as well as the enquiry. It was, therefore, incumbent upon the enquiry officer to give opportunity of engaging an advocate. The enquiry officer arbitrarily rejected the prayer of the workman. The workman was not permitted to choose the defence counsel. The enquiry was not conducted in accordance with the CDA Rules. It was submitted the enquiry report was in violation of Rule 19 of CDA Rules, for the reasons given in paragraphs 8, 9, 10, 11 and 12 of the statement of claim. Thus it should be held that principles of natural justice are violated. In paragraphs 13 to 21 the workman elaborately discussed and give reasons for recording a finding in his favour and that findings of the enquiry officer are perverse and could not be supported by the material on record. The workman stated that enquiry officer did not consider the effect of judgement of acquittal. The workman submitted that he was given proper opportunity after the report in accordance with the rules by the Disciplinary Authority. The workman claimed reinstatement with back wages.

4. In the written statement, the HPCL denied that workman was covered by Section 2(s) of the Act. It was submitted that the workman was promoted to the post of Superintendent. He was in the managerial cadre. The

workman could not raise an industrial dispute and consequently the reference was bad. All other allegations regarding the violation of the principles of natural justice were denied. It was claimed that the workman was not given proper opportunity to defend himself. It was further pleaded that the findings of facts were not perverse. It was however emphasized that the workman was serving in supervisory capacity as a Superintendent and Acting Deputy Manager. It was pleaded that the workman was promoted in supervisory position in the managerial post in the pay scale of Rs. 1050-50-1750-60-2110 in the month of October 1983 as Senior Superintendent. The workman accepted that post and began to serve in the managerial cadre of the HPCL. He was governed by the CDA Rules. He performed supervisory functions mentioned in paragraph 3 of the written statement. It was pleaded that the enquiry was held as per NDA Rules. The workman never claimed that he was governed by the Standing Orders framed by company at any stage. Therefore this question of maintainability of the reference must be decided at the onset. It is not necessary to repeat the long reply denying each and every allegation made in the statement of claim. Suffice to say that the HPCL challenged the claim of the workman.

5. The workman filed a rejoinder. This Tribunal does not consider it necessary to refer to statements in the rejoinder as nothing new has been pleaded.

6. This Tribunal framed the following issues by order dated 25-10-2002. They are as follows :

- "1. Whether the departmental enquiry held against the workman is fair and proper and in accordance with the principles of natural justice ?
2. Whether the findings of the Enquiry Officer are perverse ?
3. Whether the second party is a workman within the meaning of Section 2(s) of the Industrial Disputes Act, 1947 ?
4. If not, what relief the workman is entitled ?"

7. This Tribunal is required to decide issue No. 3 first as it goes to the root of the matter. It is not in dispute that the workman was substantively working as a Senior Superintendent and was holding the current charge of the post of Deputy Manager when charge sheet was served upon him. The workman admitted that he was Senior Superintendent, (Production) at the time of termination of his service. The workman did not dispute that that Senior Process Technicians, Process Technician and Asstt. Process Technician report to Senior Superintendent in the shift. The aforesaid employees as well as the Weighbridge Operator are governed by settlement signed with the union. The Senior Supdt. and other officer above that post belongs to management cadre and is governed by CDA Rules. The employees mentioned above who are

governed by settlement with the union belong to non-management cadre. Apart from the admission of the workman the affidavits of three management witness D.G. Ghatkar and Digesh Kumar Agarwal and Ajit Shashikant Patel also point out to the same position. Thus is agreed on all hands that after his promotion the workman was treated as a person belonging to management cadre. If this be so a heavy burden by upon the workman, to show that despite the fact a Senior Superintendent was treated as belonging to management cadre, his duties were not such that he could not be excluded from the definition of workman. In this connection it may be noticed that workman did not raise the plea that he was not governed by CDA Rules which were meant for management cadre. The workman tried to show that he was not required to supervise any work in his affidavit but in cross-examination he admitted that Senior Supdt. And Superintendent appraise the work of Senior Process Technician, Process Technician. He admitted that Mr. Shevte, M.K. More, Patil etc. worked under him. The first paragraph of his cross-examination reveals the fact that a Superintendent or Senior Superintendent had considerable control over the technicians. He has to appraise their performance. He admitted that he was acting Deputy Manager. He admitted that as a Senior Superintendent he could sanction leave in case of emergency. He admitted that it was his duty to recommend if a workman should be granted leaves depending upon the nature of work. He admitted that during the shift he was required to watch if the work was being done by Senior and Junior Technicians. It was his duty to make report to the higher authorities if the job was not performed. He admitted that a managerial employee did the self-appraisal and the documents M-11 (page 5 to 99) are his self own and document M-24 (page 100 to 109) are the appraisal done by him of his subordinates. The document M-24 shows that in the year 85, 86 the workman had done the appraisal of the work of Asstt. Process Technicians. He admitted those yearly appraisals are done by the Superintendent or Senior Superintendent. Once this position is accepted then it appears that as a shift in charge the Senior Superintendent was required to have a watch over the progress of work of the technicians etc. He was required to make appraisal of the work and of the year. It sought to be projected by the workman that despite the fact that he was promoted to the managerial post in fact he remained a workman covered by Section 2(s) of the Act. A heavy burden lay upon him to prove that he did not do any duty which was not covered under Section 2(s) of the Act. He has failed to discharge this burden. On the other hand his conduct shows that he never objected to the enquiry being held under CDA Rules. He never raised this point in the Writ Petition. When the petition was dismissed on the ground that he had remedy by way of filing a suit, he raised the industrial dispute. He stated that duties meaning as item

Nos. 3, 4, 5, 7, 16, 19, 21, 21, 22, 25, 26, 27 and 45 in his affidavit all done by the Superintendent through operators and duties Nos. 6, 8, 9, 10, 11, 12, 13, 14, 15, 17, 23, 24, 28, 32 to 44 and 46 to 65 are done by Superintendent. These duties are an amalgam of supervisory and managerial duties. The management has examined D.G. Ghatkar, Digesh Kumar Agarwal and Ajit Shashikant Patel. A study of other affidavits and cross-examinations reveal that the duties of workmen were of managerial and supervisory. In the opinion of this Tribunal that the words used in Section 2(s) cannot be isolated from the industry for which they are meant. This Tribunal is dealing with a Petroleum Industry, which is involved in refining the crude oil in its refineries and sending it for distribution. It is not for this Tribunal to tinker with the hierarchical structure of the company on the basis of assumptions. The workman was treated by the company as a managerial employee. He got all the benefits of that post. Therefore it was for him to that this treatment of him was a mere camouflage with a view to deprive him the status of workman or for breaching the unity of trade union movement. No such convincing evidence was led. It is held that the workman is not covered by Section 2(s) of the Act on the basis of evidence on record.

8. In view of the finding recorded on issue No. 1, it is not necessary to decide issue No. 2 and 3.

9. Since the conclusion of this Tribunal is based on facts, it is not necessary to refer to any authority cited by the counsel.

10. This Tribunal answers the reference referred to it by stating that workman is not covered by Section 2(s) of the Act. Therefore this Tribunal has no jurisdiction to answer this Reference by adjudication under the Act. The workman is not entitled to any relief. No costs.

S.C. PANDEY, Presiding Officer

नई दिल्ली, 16 जून, 2004

का. आ. 1643.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या आईडी-25/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-6-2004 को प्राप्त हुआ था।

[सं. एल.-12011/34/98-आई. आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 16th June, 2004

S.O. 1643.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. ID-

25/99) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 16-6-2004.

[No. L-12011/34/98-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT SARVODAYA NAGAR, KANPUR U.P.

PRESENT :

Shri Suresh Chandra, H.J.S.
Industrial Dispute No. 25 of 99

In the matter of dispute between :

The Dy. General Secretary,
State Bank of India Karamchari Sangh,
B-4/20 Hanumanghat,
Varanasi.

AND

The Dy. General Manager,
State Bank of India,
Zonal Office,
Varanasi.

AWARD

1. Central Government, Ministry of labour, vide order No. L-12011/34/98-IR(B-I) dt. 15-2-99, has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of State Bank of India Zonal Office, Varanasi, in framing rules and regulations as per circular issued by the Managing Director dated 20-10-91 is in violation of para 535 of Shastri Award or not ? If not, to what relief the Union members are entitled to ?

2. It is unnecessary to give full facts of the case as after exchange of pleadings between the parties the case was fixed for hearing/evidence by the union. But on the date fixed neither the union representative appeared in the case nor any one else on its behalf and nor moved any application in the case, hence the union was debarred from adducing evidence in the case. The representative for the management bank was also present on 9-10-03 and in view of the fact that union has been debarred from adducing the evidence, he also made an endorsement on the order sheet of the case to the effect that the bank also does not want to adduce any evidence in the case.

3. Thus it is clear that the present case is virtually a case of no evidence from either side.

4. In view of the facts and circumstances of the case, the tribunal is left with no alternative but to hold that the union raising the present industrial dispute is not entitled for relief. Accordingly it is held that the Union is not entitled for any relief pursuant to the present reference made to this Tribunal.

5. Reference is therefore decided against the Union.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 16 जून, 2004

का. आ. 1644.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या आईडी-130/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-6-2004 को प्राप्त हुआ था।

[सं. एल.-12012/681/90-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 16th June, 2004

S.O. 1644.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. ID-130/99) of the Central Government Industrial-cum-Labour Court, Kanpur now as shown in the Annexure, in the industrial dispute between the employers in relations to the management of State Bank of India and their workmen, which was received by the Central Government on 16-6-2004.

[No. L-12012/681/90-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, SARVODAYA NAGAR,
KANPUR U.P.

PRESENT :

Shri Suresh Chandra, H.J.S.

Industrial Dispute Case No. 130 of 99

In the matter of dispute case between :

The Deputy General Secretary,
State Bank of India Karamchari Sangh,
B-4/28 Hanumanghat,
Varanasi-221001.

AND

The State Bank of India, Varanasi,
through the Assistant General Manager,
State Bank of India,
Zonal Office,
Varanasi-221001.

AWARD

1. Central Government, Ministry of labour, vide Notification No. L-12012/681/90-IR(B-I) dt. 5-5-99, has referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of State Bank of India in issuing the circular regarding the appointment of the computer operator at Zonal Level after consulting one Union against the prevailing existing policy of the bank is justified or not? If not, what relief the Union is entitled for?”

2. It is unnecessary to give full facts of the case as after exchange of pleadings the case was fixed for evidence by the Union. But on the date of hearing of the case neither the representative of the union representing the case appeared nor anyone else on its behalf and not moved any application in the case, hence the union was debarred from adducing the evidence. The representative for the management bank was also present on 9-2-2004 and in view of the fact that union has been debarred from the evidence, he also made an endorsement to the effect that the bank also does not want to adduce any evidence. Thus it is clear that the present is virtually a case of no evidence from either side.

3. In view of the facts and circumstances of the case, the tribunal is left with no alternative but to hold that the union raising the present industrial dispute is not entitled for any relief. Accordingly it is held that the Union is not entitled for any relief pursuant to the present reference made to this Tribunal.

4. Reference is therefore decided against the Union.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 17 जून, 2004

का. आ. 1645.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 11/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-6-04 को प्राप्त हुआ था।

[सं. एल.-20012/359/2000-आई. आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 17th June, 2004

S.O. 1645.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 11/2001) of the Central Government Industrial Tribunal/Labour Court II, Dhanbad now as shown in the

Annexure, in the industrial dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 16-06-04.

[No. L-20012/359/2000-IR(C-I)]
S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

In the matter of a reference U/s. 10(1)(d)(2A) of
I.D. Act.

REFERENCE NO. II OF 2001.

Parties : Employers in relation to the management
of BCCL.

AND

Their workman

Present : Shri B. Biswas, Presiding Officer.

Appearances :

For the Employers : None.

For the Workman : None.

State: Jharkhand. Industry : Coal.

Dated the 11th May, 2004

AWARD

By Order No. L-20012/359/2000-(C-I) dated 25-1-2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the demand of the Rashtriya Colliery Mazdoor Sangh to upgrade Sri P.K. Nonia in terms of para 2.11 of N.C.W.A.-IV is proper and justified? If so, to what relief is the concerned workman entitled and from what date?"

2. None appears either for the workman or for the management. Record shows that inspite of issuance of registered notice, the parties have failed to take step for filing written statement. The attitude of the parties show that they are not interested to proceed with hearing of this case. Accordingly it is needless to adjourn the case for further period.

3. Hence, I render a 'No Dispute award' in the present industrial dispute.

B. BISWAS, Presiding Officer.

नई दिल्ली, 17 जून, 2004

का. अ. 1646.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 46/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-6-04 को प्राप्त हुआ था।

[सं. एल.-20012/41/91-आई. आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 17th June, 2004

S.O. 1646.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 46/95) of the Central Government Industrial Tribunal/Labour Court II, Dhanbad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 16-06-04.

[No. L-20012/41/91-IR(C-I)]
S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD (LOK ADALAT)

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 46 OF 1995.

Parties : Mohuda Area of M/s B.C.C.L.
and their workman.

Appearances :

On behalf of the Workman : Shri B. Mohanty,
Secretary, B.C.K.U.

On behalf of the Employers : Shri N.K. Jha,
Personnel Manager (IR)
BCCL.

State: Jharkhand. Industry : Coal.

Dated, Dhanbad, the 17th May, 2004

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(41)/91-IR. (Coal-I), dated, the 1st March, 1995.

SCHEDULE

“Whether the action of the General Manager, Mohuda Area, M/s. BCCD, P.O. Mohuda (Dhanbad) in denying to regularise Shri Rabi Gorai, Timber Rail Transporter as Tyndal of Murulidih 20/21 Pits Colliery is justified? If not, to what relief is the concerned workman entitled?”

In response to appeal made by this Tribunal for disposing of this case through Lok Adalat management and representative of the workman filed a settlement petition for settling the dispute through Lok Adalat as per terms and conditions stated therein. Perused the petition of settlement. Terms and condition incorporated in the said settlement petition appears to be fair, proper and in accordance with the principle of natural justice. Accordingly the same is accepted. In view of the facts and circumstances discussed above instant case is disposed through Lok Adalat as per settlement and an Award is passed in terms of settlement entered into between the parties.

B. BISWAS, Presiding Officer

Before,
The Presiding Officer,
C.G.I.T. No. II, Dhanbad.

Ref. No. 46/95.

Parties : Employers in relation to the management of General Manager, Mohuda Area now WJA, Moonidih of M/s. B.C.C. Ltd.

AND

Their workman through Secretary,
Bihar Colliery Kamgar Union.

The humble petition on behalf of the parties to the above reference :

Most respectfully shewth :

(1) That the Central Government by notification No. L-20012 (41)/91/IR(C-I) dated 1-3-95 has been pleased to refer the present case to the Hon'ble Tribunal for adjudication on the issue contained in the schedule of reference which is reproduced below :

“Whether the action of the General Manager, Mohuda Area, M/s. BCCL P.O.-Mahuda (Dhanbad) in denying to regularise Shri Rabi Gorai, Timber Rail Transporter as Tyndal of Murlidih 20/21 Pits Colliery is justified? If not to what relief is the concerned workman entitled?”

(2) That without prejudice to the respective contention of the parties the dispute has been amicably settled on the following terms :

(a) That Shri Rabi Gorai, Timber Rail Transporter will be regularised as Tyndal in Cat-IV with notional seniority with effect from 1-10-92.

(b) That he will be entitled to SLU in Cat-IV with effect from 1-1-2000.

(c) That fitment of basic wages will be done but without any back wages before the settlement.

(2) That in view of the aforesaid settlement no dispute subsists for adjudication.

(4) Under the above circumstances it is humbly prayed that the terms of settlement may kindly be accepted as fair and proper and an Award may kindly be passed in terms of the settlement.

FOR THE EMPLOYERS

FOR THE WORKMAN

Sd/-

Sd/-

(D.K. SRIVASTAVA)
Dy. Chief Personnel
Manager, WJA.

(B. MAHANTY)
Secretary, B.C.K.U.

Sd/-

Sd/-

(N.K. JHA)
Personnel Manager
(IR), WJA

(RABI GORAI)
Workman concerned

Witnesses

(1) Sd/- illegible

(2) शिवनन्दन लोहार

नई दिल्ली, 17 जून, 2004

का. आ. 1647.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, धनबाद के पंचाट (संदर्भ संख्या 126/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-6-04 को प्राप्त हुआ था।

[सं. एल.-20012/33/91-आई. आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 17th June, 2004

S.O. 1647.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 126/91) of the Central Government Industrial Tribunal/Labour Court-II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 16-06-04.

[No. L-20012/33/91-IR(C-1)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2,
DHANBAD

In the matter of a reference under Sec. 10(1)(d)(2A) of
the Industrial Disputes Act, 1947.

Reference No. 126 of 1991

Parties : Employers in relation to the management of
Jealgora Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen.

Present : Shri B. Biswas, Presiding Officer.

Appearances :

For the Employers : Shri H. Nath, Advocate.

For the Workmen : Shri B.B. Pandey, Advocate.

State : Jharkhand. Industry : Coal.

Dated, the 31st May, 2004

AWARD

By Order No. L-20012/33/91-I.R. (Coal-I) dated 'nil' the Central Government in the Ministry of Labour has in exercise of the powers conferred by clause (d) of sub-section (I) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management in dismissing Shri Sufal Yadav, MCL of Jealgora Colliery under Bhowra Area No. XI of M/s.BCCL vide their letter AJ/Dismissal/373 dated 19/22-2-1990 is justified? If not, to what relief the workman is entitled to?"

2. The case of the concerned workman according to the written statement submitted by the sponsoring union on his behalf, in brief, is as follows :

The sponsoring union submitted that the concerned workman had been working originally at Bhulan Bararee Colliery as MCL and thereafter he was transferred to Jealgora Colliery in June, 1982 and joined there as Loader. They submitted that the management issued a charge-sheet dated 31-1-89/1-2-89 on the ground of committing misconduct. The concerned workman submitted his reply denying all the charges brought against him; but inspite of submitting his reply the management decided to hold domestic enquiry against him. They submitted that the notice which was sent to the concerned workman dated 24/25-9-89 fixing the enquiry on 4-10-89 was served upon the concerned workman only on 26-10-89 and for which he did not get any scope to face the enquiry proceeding. Accordingly

they submitted prayer to the management to hold enquiry proceeding against him later on so that he might get scope to defend his case properly, but without giving any importance to his prayer relying on the report submitted by the Enquiry Officer the Disciplinary Authority dismissed him from his service arbitrarily, illegally and violating the principle of natural justice. They submitted that the concerned workman Sufal Yadav S/o Late Jhari Yadav is the correct person who was appointed at Bhulan Bararee Colliery and after lapse of about ten years of nationalisation of the Colliery he was transferred to Jealgora Colliery. Accordingly the sponsoring union submitted prayer to pass award directing the management to reinstate the concerned workman in service with full back wages and other consequential relief.

3. The management, on the contrary, after filing written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in the written statement on behalf of the concerned workman. They submitted that Sufal Yadav S/o Nemo Yadav of Village—Deopur, P.O. Mangobandar, P.S. Khaira, Distt.—Munger submitted an application to the Deputy Commissioner, Dhanbad, a copy of which was sent B.C.C. Ltd. authority intimating therein that one Tejo Yadav alias Gohan Yadav S/o late Jhari Yadav, Village—Teliyadih, P.O. New Nawada, P.O. Khaira, Distt. Munger had got himself inducted in Bhulan Bararee Colliery on the basis of his Employment Card as Sufal Yadav S/o Nemo yadav, who was an employee of East India Coal Company prior to nationalisation of coal mines by the Government of India. They submitted that on the basis of said allegation the concerned workman, Sufal Yadav was served with Charge-sheet No. AJ/Sr PO/CS/89/12—17 dated 1-2-89 with the allegations of committing misconduct committed for contravening clauses 27(2), (17) & (19) of the Certified Standing Orders applicable to the workers of Jealgora Colliery. They submitted that the concerned workman submitted his reply but as the reply was not satisfactory the Disciplinary Authority appointed Sri R.N. Ghose, Dy. Personnel Manager as Enquiry Officer and Sri A.K. Singh, Dy. Personnel Manager as Presenting Officer. Thereafter the said Enquiry Officer fixed 23-8-89 as the date for hearing the enquiry proceeding and accordingly he issued a notice dated 10/11-8-89. On the Scheduled date the concerned workman did not turn up and for which another notice was issued dated 24/25-9-89, but on that date the concerned workman did not turn up. Thereafter the said notice was published in the daily local newspaper AWAZ dated 20-10-89 with the intimation of hearing of the enquiry proceeding on 15-11-89. In spite of publication of the said notice the concerned workman did not turn up and for which on 15-11-89 the Enquiry Officer took up hearing of the enquiry matter ex-parte and A.K. Singh was examined as employer's witness. During hearing the said

witness filed a number of documents to prove that the concerned workman was working as Sufal Yadav, though he was not real Sufal Yadav but was Tejo alias Guhan Yadav S/o late Jhari Yadav. From the documents filed by the said witness in course of hearing it was clear that the concerned workman posing himself as real Sufal Yadav started working as an imposter. After conclusion of the hearing of the enquiry proceeding accordingly the said Enquiry Officer submitted his report holding the concerned workman guilty to the charges and thereafter he was accordingly dismissed from his service vide letter No. AJ/Dismissal/373 dated 19/22-2-90. The management submitted that the said enquiry proceeding was conducted in accordance with the principle of natural justice and the management did not commit any illegality in dismissing the concerned workman from his service. Accordingly they submitted prayer to pass award rejecting the claim of the sponsoring union for reinstatement of the concerned workman in service.

Points to be decided

4. "Whether the action of the management in dismissing Shri Sufal Yadav, M.C.L. of Jealgora Colliery under Bhowra Area No. XI of M/s. BCCL vide their letter AJ/Dismissal/373 dated 19/22-2-1990 is justified? If not, to what relief the workman is entitled to?"

Finding with reasons

5. It transpires from the record that before taking up hearing the instant reference case on merit it was considered as preliminary issue if the domestic enquiry conducted against the concerned workman was fair, proper and in accordance with the principle of natural justice. The said issue on preliminary point was disposed of by my predecessor-in-office vide No. 44 dated 25-9-96 wherein it was decided that the domestic enquiry held against the concerned workman was not fair, proper and in accordance with the principle of natural justice. Accordingly, opportunity was given to the parties to adduce evidence afresh on merit.

In course of hearing the instant reference case on merit the management examined five witnesses as MW-1 to MW-5. MW-1 during his evidence produced the original Form 'B' Register of Jealgora Colliery wherein the name of the concerned workman appeared in Sl. No. 43783. The said entry was marked as Ext. M-3. MW-2 during his evidence produced the Identity Card Register of Bhulanbararee colliery, therein the name of the workman Sufal Yadav was recorded in Sl. No. 1312. According to the entry recorded therein the father's name of the workman, Sufal Yadav, was recorded as Jhari Yadav. This witness further disclosed that the serial number of the concerned workman, Sufal Yadav, in Form 'B' Register was 43783 and the address was recorded as Village—Teliadih, P.O. New Nawadah, P.S. Khaira, Distt. Munger. The photo of the concerned workman which was

pasted there during his evidence was marked as Ext. M-2 MW-3 is Sufal Yadav. This witness during his evidence disclosed that he used to serve at Jealgora Colliery under East India Coal Company and his E.B. Number was 43783. He disclosed that after rendering service for two years at Jealgora Colliery he left for his native village leaving all papers in connection with service including token in a box. After returning back he found his said box was lying in broken condition and the paper including token was found to be missing. He came to know that one Tejo alias Bodhan Yadav started working in the said colliery using his name and posing himself as Sufal Yadav. He disclosed that the said person i.e. Tejo was a resident of village-New Nawadah now under the district of Jamui which was previously under Munger. He further disclosed that after getting knowledge of this fact he wrote a letter to the Deputy Commissioner and also submitted application to the authority marked as Ext. M-1. He however during his cross-examination disclosed that after return back from his leave he was not allowed to work in the said colliery as in his place another person was found to be working using his name. He further disclosed that this workman who started working at Jealgora Colliery using his name used to work at Bhulanbararee Colliery, the owner of which was a different person. MW-4 during his evidence disclosed that the concerned workman i.e. the petitioner Sufal Yadav was his co-worker and identified him in the Tribunal in course of his evidence as the person who used to work at Jealgora Colliery. He further disclosed that in place of said Sufal Yadav another person was working there in the said colliery using his name. MW-5 who was a resident of Village-New Nawadah, District-Jamui. During his evidence he disclosed that at their village there was no person named Sufal Yadav. He disclosed that there was a person named Gohal Yadav S/o Jhari Yadav, who lived in the said village and who was working at Jealgora Colliery. It transpires from the record in course of hearing of the instant case on merit the concerned workman did not consider necessary to adduce any evidence on his part.

Considering the facts disclosed in the pleadings of both sides and also considering evidence of the management's witnesses I find no dispute to hold that at Jealgora Colliery management employed a workman named Sufal Yadav. The management thereafter issued a charge-sheet to the concerned workman named Sufal Yadav with the allegation of misconduct committed under Clause 27(2), 27(17) and 27(19) of Certified Standing Orders in view of an application received from another Sufal Yadav who was examined by the management as MW-3. It is further seen that Sufal Yadav who alleged to be an imposter was dismissed from his service by the Disciplinary Authority on the enquiry report submitted by the Enquiry Officer.

Now, it is to be taken into consideration whether the management illegally and arbitrarily dismissed the concerned workman, who raised the present industrial dispute, from his service or not.

6. Considering the facts disclosed in the pleadings of both sides and also considering evidence as discussed above I find no dispute to hold that the concerned workman, Sufal Yadav S/o late Nemo Yadav had got himself inducted at Bhulanbararee Colliery on the basis of his employment card. It is the specific allegation of the management that on receipt of a complaint addressed to the Deputy Commissioner, Dhanbad, a copy of which was forwarded to the management sent by one Sufal Yadav S/o Nemo Yadav of Village-Deopur, P.O. Mangobandar, P.S. Khaira, Dist. Munger, an enquiry was taken up and in course of enquiry it was detected that actual name of the concerned workman was Teju Yadav alias Gohan Yadav S/o Late Jhari Yadav, Village-Taliadih, P.O. New Nawada, P.S. Khaira, Dist. Munger. The specific allegation of the management is that by false impersonification as Sufal Yadav the concerned workman started working at Bhulanbararee colliery. Accordingly, the management issued a charge-sheet against the concerned workman under Clause 27(2), 27(17) and 27(19) of the Certified Standing Orders applicable to the workmen under the management for committing misconduct. It transpires from the record that the concerned workman submitted his reply to the charge-sheet denying all the charges brought against him, but being dissatisfied with the reply given by him the Disciplinary Authority decided to hold domestic enquiry against the concerned workman. In course of enquiry the Enquiry Officer on the basis of his analysis came to the conclusion that by false impersonification and using the employment card of Sufal Yadav S/o Late Nemo Yadav started working at Bhulanbararee colliery. The analysis of the Enquiry Officer is as follows :

"In the name of Sri Sufal Yadav there was a workman in Jealgora Colliery prior to the date of Nationalisation of Coal Mines. His E.B. No. was 43783. His address as per Form 'B' as learnt is as follows :

- A. 1. Name—Sri Sufal Yadav.
 2. EB No. 43783
 3. Date of appointment — 2-7-1969
 4. Father's Name — Nemo Yadav
 5. Village — Deopur
 6. Post — Mangobandar
 7. P.S. — Khaira
 8. Dist. — Munger.

The details of the man who is now working as Sufal Yadav in Jealgora Colliery are as follows :
 (as stated by MR)

- B. 1. Name—Sri Tejo Yadav alias Gohan Yadav
 2. EB No. 43783
 3. Father's Name—Late Jhari Yadav
 4. Date of appointment — 12-2-73
 5. Village — Teliadih
 6. Post — New Nawada
 7. P.S. — Khaira
 8. Dist. — Munger.

The actual Sufal Yadav (as above) left his service prior to the taken over of Coking Coal Mines.

The LD-6 Form i.e. application for employment in/under East Indian Coal Co. Ltd., indicates certain informations which are as follows :

1. Address of Sri Sufal Yadav as per ID-C-6.

Vill. — Deopur
 P.O. — Mangobandar
 P.S. — Khaira
 Dist. — Munger

2. Father's name—Late Nemo Yadav.

3. Identification mark as per LD-6—One seal mark on the left leg as certified by the then Medical Officer of East Indian Coal Co. Ltd.

But the above informations are not tallied with the informations in respect of the man working as Sufal Yadav in Jealgora Colliery. The most vital point which clearly comes in picture that the man who is now working as Sufal Yadav is not the same man who was actual Sufal Yadav worked at Jealgora Colliery prior to taking over of Coal Mines. Address of both the persons also differs.

The application made in the name of Sri Sufal Yadav addressed to D.C., Dhanbad with copies to others also gives a source of an information that he knows the man who is working as Sufal Yadav, as Gohan Yadav alias Tejo Yadav.

Existing of the names of both the persons i.e. Sufal Yadav and the man working as Sufal Yadav are found in Electoral Roll and marked exhibits, which also clearly proves that No. (1) both are alive (2) both are different persons from one to other and (3) Father's name are, also found different in Electoral Roll."

It transpires that originally Sufal Yadav S/o Nemo Yadav got his employment at Jealgora Colliery prior to the date of nationalisation of Coal Mines. Subsequently said Sufal Yadav S/o Nemo Yadav left his service, but

while he was in service his EB No. was recorded as 43783 and date of appointment of the said Sufal Yadav was 2-7-1969, while the concerned workman got his employment on 12-2-73 identifying himself as Sufal Yadav and also his EB No. was recorded as 43783. Subsequently he was transferred to Nalgora Colliery. Therefore, the question which came into existence is whether Sufal Yadav who got his appointment on 2-7-69 and Sufal Yadav who got his appointment on 12-2-73 was same and identical person or not.

During enquiry proceeding the management relied on the Electoral Roll of Jamui Assembly Constituency. From the Electoral Roll it transpires that name of Gohan Yadav S/o Jhari Yadav was recorded in Sl. No. 138 while the name of Sufal Yadav S/o Nemo Yadav was recorded in Sl. No. 369. It is the specific allegation of the management that on the basis of EB Employment Card of Sufal Yadav S/o Nemo Yadav the concerned workman got his employment identifying himself as Sufal Yadav S/o Nemo Yadav though his actual name is Tejo Yadav alias Gohan Yadav S/o Jhari Yadav. In the enquiry report the Enquiry officer has made details in this regard. It is to be taken into consideration that EB No. Sufal Yadav S/o Nemo Yadav which has already been mentioned above cannot be the same in case of the concerned workman when he got his appointment under the management in the year 1973. The management during hearing relied on Form 'B' Register marked Ext. M-3 wherein it has been clearly mentioned that EB number of Sufal Yadav S/o Nemo Yadav is 43783. In course of hearing the management produced copy of Identity Card Register wherein the name of the concerned workman Sufal Yadav S/o Jhari Yadav was recorded with same EB Number which according to the management is absurd. Accordingly, onus shifted on the concerned workman to establish that he was the original Sufal Yadav S/o Jhari Yadav. But I find no hesitation to say that in spite of giving sufficient opportunity he has failed to produce any cogent document to show that his actual name is Sufal Yadav and not Tejo Yadav alias Gohan Yadav. It has been specifically alleged by the concerned workman that the management illegally and arbitrarily issued charge-sheet against him. But before claiming so the concerned workman cannot avoid responsibility to substantiate such claim.

After careful consideration of all the facts and circumstances I find no hesitation to say that by false impersonification the concerned workman using the name of Sufal Yadav and using his employment card got his employment. Accordingly, I hold that the management have been able to substantiate the charge against the concerned workman and they were justified in dismissing the concerned workman from his service.

7. Now, the point for consideration is if the concerned workman is entitled to get any relief under

Sec. 11-A of the Industrial Dispute Act. Section 11-A of the I.D. Act speaks as follows :

“Where an industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal, as the case may be, is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct reinstatement of the workmen on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require :

Provided that in any proceeding under this section the Labour Court, Tribunal or National Tribunal, as the case may be, shall rely only on the materials on record and shall not take any fresh evidence in relation to the matter.”

Before giving any relief it is to be taken into consideration whether the order of dismissal passed by the Disciplinary Authority against the concerned workman was justified or not.

8. In view of my discussions above I hold that the concerned workman by false information got his employment under the management. This shows that he cheated the management by exercising fraud and also by giving false information. Such act of the concerned workman definitely should be considered as detrimental to the interest of the management. Accordingly, considering the gravity of offence committed by the concerned workman I find no scope to invoke Section 11-A of the Industrial Disputes Act with a view to hold lenient view in the matter of punishment inflicted upon him. Accordingly, the concerned workman is not entitled to get any relief.

9. In the result, following award is rendered :

The action of the management in dismissing Shri Sufal Yadav, MCL of Jealgora Colliery under Bhowra Area No. XI of M/s. BCCL is justified. Hence, the concerned workman is not entitled to get any relief.

B. BISWAS, Presiding Officer.

नई दिल्ली, 17 जून, 2004

का. आ. 1648.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या आई. डी. नं.

159/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-6-2004 को प्राप्त हुआ था।

[सं. एल.-12025/1/2004-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 17th June, 2004

S.O. 1648.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (ID No. 159/2002) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 17-06-2004.

[No. L-12025/1/2004-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT : Shri E. Ismail, B.Sc. LL.B., Presiding Officer

Dated the 4th day of June, 2004

INDUSTRIAL DISPUTE L.C.I.D. No. 159/2002

BETWEEN

Sri B. Krishnappa,

S/o Yellappa,

R/o 1-675/1, Gandhi Puram,

Madanapalle, Chittoor district, ...Petitioner

AND

The Assistant General Manager,

Region-III and Disciplinary Authority,

State Bank of India, Madanapalle,

Chittoor District. ...Respondent

APPEARANCES :

For the Petitioner : M/s. G. Ravimohan, R. Devender Reddy, G. Srinivasa Reddy & G. Naresh Kumar, Advocates.

For the Respondent : M/s. B.G. Ravindra Reddy & B.V. Chandra Sekhar, Advocates

AWARD

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgement of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of

1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts as averred in the petition are : That the Petitioner was appointed as messenger on 29-9-1977. Initially he was posted at Pulivendula Cuddapah district. Subsequently, the Petitioner was promoted as Clerk on 1-3-1984 and he was posted to Chandragiri. From there he was posted to Madanapalle in 1989 as clerk.

3. On 7-1-99 he was issued with a chargesheet with various allegations. That the Petitioner gave explanation to the said chargesheet denying the charges. The Respondent without considering the same appointed an enquiry Officer to conduct enquiry into the charges made against the Petitioner in the chargesheet dated 7-1-99. Ultimately he was terminated from his service by order dated 28-6-2001 and further it was notified by another order dated 21-12-2001 treating the suspension period as not on duty. An appeal was filed which was also rejected on 22-2-2000. Hence, this petition under Sec. 2A(2). The Respondent as well as the Enquiry Officer failed to see that the procedure involved in the bank before delivering the money is as follows, "At first the withdraw form will be forwarded to the lay Clerk (The Petitioner herein). Thereafter it will pass to the pass ward officer who will verify the Specimen signature and then the same will be forwarded to the Personal Banking Division and after verification of withdrawal form, the same will be forwarded to the cashier for payment of cash. The cash will be given to the payer who submits the withdrawal form. In view of the above proceedings the Petitioner only cannot misappropriate or tamper any document as alleged by the Respondent". The Respondent as well as the Enquiry Officer failed to see the withdrawal form which was produced by the customer that is by the complainant was not identified by the complainant at any point of time and the documents were not referred to handwriting experts for verification. The Enquiry Officer failed to see that the statement of PW1 i.e., the Management representative in enquiry cannot be taken as true. Therefore, PW1 gave his evidence basing upon the record. Neither he is a party to the documents nor the eye witness to the incident. Therefore, the removal order passed by the Respondent is absolutely illegal and without any material. The Respondent has utterly failed to appreciate the irregularities occurred before terminating Petitioner from service. Hence, he may be reinstated with back wages, continuity of service etc.

4. A counter was filed admitting that the Petitioner has been appointed as messenger and later promoted as clerk. That he was chargesheeted on 7-1-99 calling upon him to submit the explanation in writing if any in respect of the charges levelled against him. As many as five charges were levelled against him and an enquiry was

conducted following the principles of natural justice and he was dismissed from service. The appeal was also dismissed.

5. It is not necessary to refer the document to handwriting expert as the strict rules of evidence are inapplicable to departmental proceedings and the enquiry authority is entitled to go by preponderance of probabilities in the departmental enquiry. The irregularities committed by the Petitioner were very grave in nature and the integrity and honesty of the employee is doubtful and his continuance in the bank is hazardous to the interest of bank as well as customers. Hence, the dismissal order may be upheld.

6. The Learned Counsel for the Petitioner conceded that the enquiry is validly conducted.

7. Once the enquiry is conceded to have been validly conducted the only thing the Court can go into is whether on the evidence placed before the Enquiry Officer, such a conclusion was proper. If it is so, whether any relief can be given to the Petitioner under Sec. 11A of the I.D. Act.

8. The Learned Counsel for the Petitioner argued that it was Mr. S.A.K. Basha, who gave complaint against the Petitioner and that the complainant Mr. S.A.K. Basha was not examined before the Enquiry Officer. The said point is squarely covered by the Division Bench Judgement of our Hon'ble High Court of A.P. reported in 2001(5) ALT page 65 wherein it was held that, "A departmental enquiry conducted for the purpose of disciplinary action against a public servant is not an empty formality. It is a serious proceeding intended to give the delinquent a chance to meet the charges and prove his innocence. The right of the delinquent officer to cross-examine witnesses who give evidence against him is a valuable right in order to effectively exercise this right, it is necessary that the examination-in-chief of the witnesses should be recorded in the presence of the party against whom the deposition is made. An enquiry wherein examination-in-chief has been recorded in the absence of the person charged though he is allowed to cross-examine the witness, cannot be said to have been held in accordance with rules of natural justice". He further submits as he is the Petitioner stated in his claim statement, the details of how the amount is encashed. The Enquiry Officer as well as the Respondent Management failed to see that the documents which are marked by the complainant and withdrawal form were filed by the Respondent, it is submitted that the complainant himself has to file the documents which are subject to cross-examination. In fact, the complainant himself has not identified all those withdrawal forms at any point of time. Therefore the charges against the Petitioner are non-est and held as not proved. Only one person was examined who was neither eye witness to the

incident nor documents were filed by the respondent. The Enquiry Officer failed to see that the statement of PW1 that the Management represented the enquiry cannot be taken as true. Therefore, the PW1 gave his evidence basing upon the records neither he is a party to the document nor eye witness to the incident. Therefore, the removal order passed by the Respondent is absolutely illegal and without any material. Therefore, the Hon'ble Court may be pleased to set aside the dismissal order and reinstate the Petitioner with back wages. He also argued that the Hon'ble Supreme Court of India held in AIR 1959 1111 held that, "Rules of natural justice require that a party should have the opportunity of adducing all relevant evidence on which he relies, that the evidence of the opponent should be taken in his presence, and that he should be given the opportunity of cross-examining the witnesses examined by that party, and that no materials should be relied on against him without his being given an opportunity of explaining them".

9. It is argued by the Learned Counsel for the Respondent that several grave charges against him on misappropriation of Rs. 5,000, Rs. 80,000, Rs. 9,000, and Rs. 7,000 etc. so, these charges are very grave and in fact not only that he has undermined the creditability of the bank, but also as the audacity of issuing cheques in his account number, staff No. 109 which was closed on 26-8-97. He has issued two cheques Rs. 2,500, and Rs. 20,000 and he has although directed to receive the charge sheet of 7-1-99 and was requested to submit his explanation on or before 2-10-99. No reply was received from him. Hence, an enquiry was ordered against him. Further in the domestic enquiry he was defended by Sri T.E. Jayaprakash Rao, the representative of SBISUHC, Tirupathi in the enquiry. As PW1 has received the complaint from Mr. Basha who was having knowledge about the incident, he should have deposed before the Enquiry Officer. He further argues that it has been well settled law by the Hon'ble Supreme Court of India that it is a settled principle of law that in departmental proceedings in so far as of imposition of penalty is concerned, unless the punishment of penalty imposed by the Disciplinary Authority is shocking the conscience of the Courts it should not be normally interfered with the same or substitutes it's own option and direct the authorities to impose a particular nature of punishment of it's choice. He further submits that in AIR 1970 page 679 of Hon'ble Supreme Court of India, it was held that, "non-observance of principles of natural justice by domestic tribunal—Court in judging its effect must see whether it results in deflecting course of justice".

10. In order to appreciate the rival contentions of the parties let us see what are the charges and what is the evidence let in by the bank and whether the findings of the Enquiry Officer are correct.

11. The first charge is Smt. Mumtaz Begum, came to the bank to deposit a banker's cheque No. 979433-dated 14-11-97 he had obtained the discharge on the reverse of the Banker's cheque and encashed the Banker's cheque and misappropriated the proceeds of the Banker's cheque. That when the depositor came on 16-1-98 to withdraw Rs. 5,000 that he had arranged for a credit of Rs. 5,000 into her account to facilitate payment. It was further alleged that he had withdrawn fraudulently an amount of Rs. 80,000 from the account of Mr. John Theophilis on 17-3-88 and further there are so many charges about Mr. Basha's account. PW1 is no other than the Chief Manager, Madanapalli branch during August, 1996 to July, 1998. That as many as 30 documents are marked. For example in Ex. P8 it is a S.B. Account opening form pertaining to NRE's 4/9640 of Mr. Purushottam John Theophilis, with his signature there on. Pex 11 is a draft dated 17-3-98 for Rs. 80,000. The signature of the depositor was witnessed by Krishnappa the Petitioner herein. These signatures were identified by Krishnappa. So it may be seen there are umpteen documents and it is not as if all of them have colluded against the Petitioner to make him the scape goat. He has been represented by defence representative also and PW1 has been cross examined at length. It is not as if he has not been cross examined and these are all documentary evidences. In fact a forged signature has been used not only that he has identified in S.B. Account No. 73 of 163889 and got it passed by identifying signature by Smt. Khatua Bee on the reverse of the withdrawal. It subsequently transpired that it is a forged withdrawal. So it may be seen that it cannot be said that all this is false evidence and his main grievance is that the complainant have not been examined. I am of the opinion that the Judgement of 2001 (5) ALT page 65 of Division Bench is not applicable to facts of this case because here the witnesses were not examined at all. There was no preliminary enquiry as such there is no question of examining and cross examining those witnesses again in the regular enquiry. This is a bank matter where everything is borne out by the documents. It is a very clear that the withdrawal of Rs. 80,000 from S.B. Account No. 4/690 of Sri John Theophilis and token No. 25 was given to him and the withdrawal was posted in the account by the employee Sri G. Krishnappa and the signature of the depositor was witnessed by Sri G. Krishnappa on the reverse the signature was identified by G. Krishnappa. So it may be seen that even not sending the documents to the expert will not vitiate the enquiry, if the Management has not sent and the Petitioner was so sure that it is not in his handwriting. He could have filed a petition to send those documents to the hand writing expert. Having identified the signatures he was sure of the outcome of such a request

and hence he has not made such a request. Moreover, from the account of Smt. Mumtaz Begum she has withdrawn Rs. 5,000 and when she came to withdraw an amount he arranged a credit of Rs. 5,000 into her account to facilitate the withdrawal of Rs. 5,000. In all he has been guilty of more than one lakh rupees fraud. Therefore, I hold that this case does not warrant any interference with the punishment of dismissal imposed by the respondent bank.

Award passed accordingly, Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 4th day of June, 2004.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 17 जून, 2004

का. आ. 1649.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार श्री विशाखा ग्रामीण बैंक के प्रबंधन के संबंध निम्नलिखित और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ सं. आई. डी. संख्या 189/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-6-2004 को प्राप्त हुआ था।

[सं. एल.-12012/173/99-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 17th June, 2004

S.O. 1649.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (ID No. 189/2002) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the industrial Dispute between the employers in relation to the management of Sri Visakha Gramseena Bank and their workman, which was received by the Central Government on 17-06-2004.

[No. L-12012/173/99-IR(B-1)]
AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

PRESENT : Shri E. Ismail, B.Sc., LL.B., Presiding Officer

Dated the 5th day of May, 2004

INDUSTRIAL DISPUTE NO. 189/2002

(Old I.D. No. 49/99 transferred from Industrial
Tribunal-cum-Labour Court, Visakhapatnam)

BETWEEN

The General Secretary,

Sri Visakha Grameena Bank Workers' Organisation,

Central Office, 5-6-44, Mehar Kuteer,

Punyapu Veedhi,

Srikakulam-532 001

...Petitioner

AND

The Chairman,

Sri Visakha Grameena Bank,

Head Office,

Srikakulam-532001.

...Respondent

Appearances :

For the Petitioner : Sri P.V. Sambasiva Rao, Advocate,

For the Respondent : M/s. K. Srinivasa Murthy,
V. Umadevi & C. Vijaya Shekar
Reddy, Advocates.

AWARD

The Government of India, Ministry of Labour by its order No. L-12012/273/99-IR (B.1) dated 15-11-99 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to the Industrial Tribunal-cum-Labour Court, Visakhapatnam between the management of Sri Visakha Grameena Bank and their workman which has been transferred to this Tribunal in view of Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR (C.II) dated 18-10-2001 bearing No. 49/99. The reference is :

SCHEDULE

"Whether the demand of Sri Visakha Grameena Bank Workers Organisation regarding regularization of Sri K. Papa Rao and 43 others as submitted by the Union in their letter No. SBGBWO/12/97 dated 26-9-97 and letter No. WO/GS/50/1999 dated 6-7-99 from the date of their actual/initial engagement is legal and/or justified ?

If not to what relief is the concerned workmen are entitled ?"

The reference is renumbered in this Tribunal as I.D. No. 189/2002 and notices were issued to the parties.

2. The brief averments as averred in the petition are : That Sri Visakha Grameena Bank Worker's Organisation was sponsored by the State Bank of India and was established in the year 1976 having the area of operation in Srikakulam, Vizianagaram and Visakhapatnam Districts. The Head Office is situated at Srikakulam. The general working conditions of the employees are governed by Sri Visakha Grameena Bank Staff Service Regulations, Bipartite settlements and awards in the Banking Industry including National Industrial Tribunal Award implemented by the Government of India, Ministry of Finance, vide letter No. 11-3/90-RRB(I), dated 22-2-1991 and Gupta Committee recommendations accepted by Government of India and NABARD vide Cir. NB.RRCBD. No. C. 4559/316 (Gen.)/92-93, dated 22-3-93. The Management of Sri Visakha Grameena Bank being an organized sector, carry on the administration of its component branches located at several places in the three Districts.

3. The Management of Sri Visakha Grameena Bank has been extracting work from a category of employees styling themselves as "Part-time Daily Wages Sweepers". The payments were made from Rs. 3 to Rs. 15 per day. Although they were called as part time daily wages employees their services were utilized on full time basis. These innocent workers by repeated representations could get benefit of casual leaves and provident fund facility in 1979. The benefit of statutory bonus was also extended to them by the Management in 1980. They put in continuous service and they performed their duties in messengers cadre having worked total working hours of the bank. Some of these messengers cadre employees even get the promotions of clerk-cum-cashier in the bank. The Management of Sri Visakha Grameena Bank has taken a decision to regularized these workmen w.e.f. 1987 and accordingly they were regularized in 1987. But that was done wrongly and illegally against the award of the National Industrial Tribunal which is binding. It is mentioned in para 4 point 410 that, "In view of the authoritative pronouncements of the Supreme Court, it must be held that the part-time sweepers-cum-messengers who were employed on daily wages or on half of the salary or on some other proportion of the salary of a regular messenger, will be entitled to their various claims such as equal pay and all other attendant benefits as are admissible to regularly appointed full time messengers in the respective RRBs. Their services shall be regularized with effect from the date of their continuous engagement. If deemed necessary it will be open to the Government or

the RRBs as the case may be, to sanction the required number of posts to accommodate the writ petitioners and all those belonging to their class". By this award the "Regularisation of services of temporary part-time sweepers" in Nagarjuna Grameena Bank (sponsored by State Bank of India) in other relevant Regional Rural Banks were taken into the consideration from the date of their initial continuous engagement in their Bank Branches. Likewise for other Grameena Banks including Sri Visakha Grameena Bank, the Government of India and NABARD in their letter NB. RRCBD. No. C. 4559 (Gen.)/92-93, dated 20-3-93 clarified as follows: "The words and all those belonging to their class" may mean that all those sweepers/messengers who were appointed palpably on part-time basis but were actually used on full-time basis only will be covered. The determination and identification of such employees of the other RRBs requires factual verification before granting such relief by the Management of the RRBs concerned." It was ordered that such determination shall be completed within 6 months from the date of acceptance of the report by the Government of India. But the members workmen past services and date of first engagement was not taken into consideration. When this issue came up before the Hon'ble Supreme Court it directed that the individual aggrieved messengers can avail the remedy under the machinery provided by I.D. Act. It is an established law that the date of initial appointment is the criteria for regularization which was totally ignored by the Management. They are entitled for such regularization and also arrears of emoluments. The union ever since it was established has been demanding the Management for redressal of the grievances. As the Management is not responsive and the union was constrained to seek the intervention of the conciliation officer in proceedings No. 7/17/97-ALC of ALC(C), Visakhapatnam and it ended in failure. Hence, this petition.

4. A written statement was filed stating that the RRB employees association demanding parity in respect of salary structure with the employees of sponsor bank, filed Writ Petitions in the Hon'ble Supreme Court. The Hon'ble Supreme Court passed order on 1-9-87 wherein it suggested that the Government of India may constitute National Industrial Tribunal and refer the dispute to it. Consequently, the Government of India had appointed the National Industrial Tribunal with its headquarters at Hyderabad. The NIT for RRBs pronounced its Award on 30th April, 1990. The Tribunal in its Award inter alia, held that the officers and other employees of RRBs would be entitled to pay scales, allowances and other benefits on par with the officers and other employees of comparable level in corresponding posts of Sponsor Bank w.e.f. 1-9-87 which was accepted by Government of India. As regards equation of posts and consequent fixation of pay, allowances and other benefits, the NIT held that the

Government of India may decide the same in consultation with such authorities as it may consider necessary. The Tribunal while dealing with the Writ Petitions filed by the sweepers of Nagarjuna Grameena Bank, Chaitanya Grameena Bank and representation of General Secretary of Pandya Grameena Bank Employees Association which have been transferred to it by the Hon'ble Supreme Court held as follows:

- 4-410 : Their services shall be regularized with effect from the date of their continuous engagement.
- 4-412 : As regards the claim for parity in the matter of scales of pay and other allowances with the sub-staff in scheduled commercial banks, Award in the main reference will cover and apply to all categories of messengers and drivers in the RRBs.
- 4-425 : The Award shall be given effect to from 1-9-87.
- 4-427 : The employees are eligible for difference in allowances and other benefits as applicable to State Government Employees in all matters of pay scales and allowances, benefits till 31-8-87.
- 4-428 : Equation of posts, fixation of scales of pay, allowances and other benefits for officers and employees of RRBs on par with employees of comparable level in Sponsor Bank is a matter to be decided by Government of India in consultation with authorities as it may consider necessary. This will include pay scales, benefits, other allowances and fitment of sub-staff of the RRBs with the sub-staff of Sponsor Banks. The Award shall be given effect to from 1-9-87.
- 4-429 : Whether the officers and other employees of RRBs should be constituted as a separate service or whether they should be merged with the cadre of officers and employees in corresponding and comparable level of posts in Sponsor banks is entirely a matter within the jurisdiction and competence of Government of India and it is upto it to take such steps as it may deem necessary".

5. The Tribunal further observed that these are questions which are outside the realm of reference and therefore is not called upon to make suggestions or

recommendations. The dispute referred to the Tribunal for its decision is dispute relating to pay, salary, other allowances and other benefits payable to the employees of RRBs in terms of pleadings of the parties in the WP 7149 and 7150/82 and 132/84 filed in Hon'ble Supreme Court. Therefore, the Government of India appointed an Equation Committee on 5-10-99 which submitted its report dated 8-1-91 to Government of India on 16-1-91. The Government after accepting the report issued instructions vide their circular No. 11-3/90-RRB(1) & (11) dated 22 February 1991 accepting the NIT Award and giving effect to the recommendations of the Equation Committee.

6. Consequent upon the implementation of NIT Award read with Equation Committee report certain issues relating to fitment/benefits had cropped up which needed to be examined for appropriate decision. It was therefore decided that the National Bank may constitute a Working Group to study these aspects and advise the Government of India/National Bank on the same.

The Working Group constituted by National Bank submitted its recommendations on 17-2-92 with certain modifications, alterations, additions, deletions and it was accepted by Government of India. As desired by Government of India, the NABARD issued instructions for implementing the Working Group Report with necessary changes vide their Circular No. NB.IDD.RRCBD. No C.4559/316 (Gen.)-92-93 dated 20-3-93.

8. The regularization of messengers/messenger-cum-sweepers (Part time or full time) and determination of emoluments was decided under point No. 16 of the above circular under the head REGULARISATION OF MESSENGERS, MESSENGER-CUM-SWEEPERS (PART TIME OR FULL TIME) AND DETERMINATION OF EMOLUMENTS. It is as under :

"The Government of India vide Para 4(X) of the circular dated 22-2-91 has directed the RRB Chairmen that in respect of the part time employees, they should consider each case on merit and determine whether such employees performed part time or full time work in the Bank and decide the fitment accordingly. The relative provisions of IV Bipartite Settlement of the Commercial Banks were to be applied in regard to such payment. While these instructions stipulate the payment on the basis of hours of work rendered by the RRB employees, various representations were received demanding full time wages for all the part time messenger-cum-sweepers as also their regularization on the basis of observations made in para 4.410 of the NIT Award. It is a fact that the issue relating to payment of wages and regularization of part time messenger-cum-sweepers was not originally referred to the

Tribunal, the Hon'ble Supreme Court transferred to the Tribunal for its consideration and disposal the Writ Petition Nos. 14102 to 14105 of 1984 filed by the sweepers of Nagarjuna Grammeena Bank. Writ Petition No. 1136 of 86 filed by the Sweepers of Chaitanya Grammeena Bank and the representation dated 28-4-86 submitted to the Hon'ble Supreme Court by the General Secretary of the Pandya Grammeena Bank Employees Association. It was specifically alleged in the said Writ Petition that the Petitioners were not being paid wages on par with the regular messenger/sweepers of RRBs even though they were rendering full day's work in the RRBs. The issue was considered by the Tribunal on the basis of evidence presented before it in respect of these Petitioners/representationists vide paragraph 4.336 to 4.402 of the NIT award. Thus, the issues raised before Tribunal were with reference to the Writ Petitioners and representationists only. As such, the conclusions as set out by the Tribunal in para 4.410 have to be appreciated with reference to the specific cases of the Petitioners. The concluding observations of the Tribunal in para 4.410 of the award, viz : "If deemed necessary it will be open to the Government of RRB as the case may be to sanction the required number of posts to accommodate the Petitioners and although belonging to their class".

Thus, while the said observation is ipso facto applicable to the cases of the Petitioners and representationists, it did not so apply to others. The words "and all those belonging to their class" may mean that all the messengers/sweepers who were appointed palpably on part time basis and were actually used on full time basis only be covered. The determination and identification of such employees of the other RRBs, therefore, requires factual verification before granting such relief by the Managements of the RRBs concerned.

Further, the tribunal vide para 4.428 had left the matter of equation of posts and consequent fixation into new scales to be decided by the Central Government, in consultation with such authorities as it may consider necessary. The Tribunal further added that this will also include the pay scales, benefits and other allowances and fitments of sub-staff of the RRBs with the sub-staff of Sponsor Banks. Thus, it is left to the Government of India to ensure proper and reasonable fitment of the part time messenger-cum-sweepers of RRBs. It is in this context that the Government of India vide Para 4(X) of circular dated 22-2-91 has directed the RRB Chairmen to consider each case on merits and decide whether such employee performed part time or full time work in the bank and decide their fitment accordingly :

- (i) There are in fact two aspects to this problem. One is regularization of the employees and the other is

payment as a part time or full time employees, as the case may be. The two issues are further discussed as under :—

(a) Regularization : Regularization would mean providing a regular pay scale to an employee who would be entitled for increments annually. The RRBs in the normal course were required to maintain records and acquittance rolls for their part time employees also. It is informed that in a majority of the RRBs, such records are not maintained and employed such staff purely on temporary or day to day basis and made payments through vouchers. Further, a number of employees who were in the RRBs as part time messenger-cum-sweepers left the RRBs for variety of reasons and a set of new persons were brought in their place. The problems of regularisation of the part time messenger-cum-sweepers in the absence of proper records is appreciated. It is therefore decided that all those employees in sub staff cadre who were in the service of the RRB as on 22 February, 1991 (the date on which Government of India had notified acceptance of NIT award read with the Equation Committee Report) and who have completed 240 days of continuous service after that date may be treated as regular employees of RRBs with effect from 22-2-91. It is, however, decided that in respect of employees whose cases have already been settled/regularized prior to that date need not be reopened.

(b) (i) Payment of Wages : It is decided that the Petitioner and representationist employees in the Grameena Banks i.e., Nagarjuna Grameena Bank, Chaitanya Grameena Bank and Pandyan Grameena Bank be treated as full time employees as per the orders of the NIT.

(ii) In other RRBs only those messengers/sweepers who were appointed palpably on part time basis but were actually used on full time basis only be paid full time wages. The determination and identification of such employees of the other RRBs by factual verification be completed by the respective Chairmen within a maximum period of 6 months from the date of issue of this circular, if not already done

9. In this connection, we submit that in terms of Government of India instructions the Bank engaged the services of local people for sweeping etc. on daily wage basis and their hours of engagement was minimal. Wages were paid through vouchers as they do not form part of regular permanent staff. Therefore, it is not possible for the Bank to furnish the date of entry of the workman in the bank's service, the amount paid to them towards wages

and the total period of their service prior to their regularization. The workman are put to strict proof of their initial date of their engagement and the date of their regularization in the Bank as shown in their statement and their continuity, if any, in the bank. The Working Group having regard to the various factors and difficulties involved in ascertaining the above facts has recommended that the temporary daily wage sweepers may be regularized with effect from 22-2-91 and those who have completed 240 days of continuous service after that date may be treated as regular employees. They have also recommended that the cases which have been decided prior to 22-2-91 need not be reopened. In the above circumstances, we submit that the workmen can not reopen the issue on the above counts since they have been regularized with effect from 28-12-87 and 16-3-89 itself i.e. much before the date of award as per Government of India guidelines.

10. We further submit that till the formation of Sri Visakha Grameena Bank Employees' Union in the year 1989 and the formation of Sri Visakha Grameena Bank Workers' Organisation in the year 1996. There was only one single association for all the employees of the Bank in the name of Sri Visakha Grameena Bank Employees' Association. The said association entered into with a settlement with the Bank on 16-4-87 and another modified settlement on 17-12-87 which belie the contentions of the workmen under reference in the present case regarding their nature of engagement and payment of wages. We pray that the settlement dated 16-4-87 circulated to staff vide circular No. 9-A/87 dated 28-4-87 and the joint meeting held and the settlement reached between the Bank and the said association on 17-12-87 may please be read as part of this written statement. The workmen being the members of the then SVGB Employees' Association can not raise this dispute which has been settled on the dates mentioned supra.

11. That Sri R. Nageswara Rao with S. No. 15 of the statement enclosed to the claim statement has filed a Writ Petition No. 19920/97 before the Hon'ble High Court of Andhra Pradesh on the same issue. The SVGB Employees' union with 90% employees as its members has filed a Writ Petition No. 33304/99 against the Government of India, NABARD and 14 RRBs of the State including this Bank before the Hon'ble High Court of A. P. and it is also pending for disposal. Sri Visakha Grameena Bank Employees Association has also filed a Writ Petition 29116/95 on the same issue and it is also pending before the Hon'ble High Court of A. P. In response to the demand made by the SVGB Workers' Organization before Assistant Labour Commissioner (C), Visakhapatnam, the Management agreed to apply the decision of the Hon'ble High Court of A. P. in the above matter to the workmen of this organization also. As the workmen are challenging the instructions of Government

of India regarding date of regularization, the Government of India and NABARD are necessary parties to the dispute and therefore this petition is bad for non joinder of necessary parties. Hence, the petition may be dismissed.

12. Sri J. Srinivasa Rao, General Secretary, clerk cum Cashier was examined as WW1. He deposed that he is the General Secretary of the Sri Visakha Grameena Bank Workers' Organisation. That their union was registered in the year 1996. Ex. W1 is the registration certificate. Ex. W2 is the by laws copy. That he is also working as clerk cum cashier in Sri Visakha Grameena Bank, Jarjangi. That Daftly allowance is the allowance payable to the messenger cum sweeper for doing some additional work as mentioned in circular dated 3-12-97. That all the part time sweepers were taken as full time sweepers in December, 1987. Actually they have not taken into consideration the date of the actual service i.e., initial appointment. So they are entitled for being paid the difference in wages from the date of initial appointment. As per the national award the services of the part time employees shall be regularized with effect from the date of their continuous engagement. The part time messengers cum sweepers have been working since the inception of the bank in the year 1976 and hence there is no justification to regularize all of them from 28-12-87.

13. In the cross examination he deposed that they filed a Writ Petition before the Hon'ble High Court of A. P. questioning the seniority list on the ground that they were not given any opportunity to place their objections. It is not true to suggest that the Government of India clarified that the observations of the NIT under para 4.410 applicable only to Nagarjuna Grameena Bank employees and other two Petitioners who had approached the Hon'ble Supreme Court and this has been referred to NIT for its decision. It is not true that the services of the claimants during their tenure as part time employees has not been utilized for full time. He cannot produce the letters of appointments for all the 44 employees. It is true that payment of wages to the part time employees was through vouchers and their names were not recorded in the register. It is true that the names of all permanent employees will be entered in establishment register and salary will be paid monthly. He does not know whether the records will be destroyed after 6 or 8 years. He does not know the names of the workman are shown in the establishment register. Prior to 1987 their workmen were not placed in time scale. It is not true to suggest that persons were changing in branches of performing the duties of temporary daily wage cum sweeper. He does not know whether there is any stipulation regarding qualification for messengers, attenders. He does not know whether any of the claimants are less qualified. It is not true to suggest that due to non-availability of the vouchers and in view of the fact that payment was made to the persons engaged through voucher it is not possible for

them to produce old records and that they do not know from which date the workman have actually been engaged in the bank continuously. He does not know whether Government of India issued instructions to RRBs. While accepting NIT award that all the employees in sub-staff cadre who were in the service of RRB as on 22-2-91 was however decided that in respect of employees whose cases have already been settled prior to that date need not be reopened. The witness added that he does not know the above instructions apply to these applicants or not. He does not know Sri R. Nageshwar Rao one of the claimants filed any writ before the Hon'ble High Court of A. P. questioning the regularization of MCS from the initial date of appointment, and it is pending. He does not know if SVGB employees Association representing 90% of the employees filed a Writ Petition before the Hon'ble High Court of A. P. questioning the non regularization with effect from the date of their initial engagement. It is not true to say that their union and the Management came to an understanding that they both should abide by the result of the Writ Petition filed by the SVGB Employees Association.

14. WW2, one of workers, Sri B. Prem Nath deposed that he is working from 9-1-77. His services were regularized from December, 1987. There was no difference in work between 1977 to 1987 and thereafter they are demanding regularization of service from 1977 as mentioned in the annexure attached to Ex. W7 and W8. In the cross examination he deposed that he was given appointment letter on 20th December, 1987 itself is a confirmation letter, copy of is Ex. M1. He does not know whether the vouchers through which they have been paid are available with the bank or not. It is not true to suggest that he was not a full time employee prior to 20-8-87.

15. Sri P. Rajeswar Rao another workman is examined as WW3. He also deposed that he is working as messenger in Sri Visakha Grameena Bank. He worked as stencil operator in the Head Office. Ex. W4 is one such letter to show that he worked as stencil operator dated 23-7-79. Chairman used to entrust work to him periodically and Ex. W10 is a bunch of such Xerox letters. They were paid DA on par with regular employees and also paid bonus. They were paying the PF. They are claiming regularization since January, 1978.

16. In the cross examination he deposed that no doubt he worked from 1978 yet he was given the appointment letter in writing on 24-12-97. It is Ex. M2. The witness voluntarily adds that it is a letter of regularization. That he has nothing to show that he is working from 1978 to 1987 or that he was working continuously. That his name was not sponsored by the employment exchange. Nor he received any interview letter in 1978. He was paid the bonus and contributor for

the GPF even prior to 1987. That he was interviewed prior to the issuance of Ex. M2 appointment order. All employees interviewed prior to the appointment order. It is not true to suggest that all employees worked on need basis prior to 1987.

17. Sri K. Papa Rao, Messenger was examined as WW4. He also deposed that he is working since 1977 and there were no regular messengers from 1977 to 1987. One of the messengers Papa Rao gave evidence before the Hon'ble Justice Obal Reddy of National Industrial Tribunal in the year 1982. One of their messengers was promoted as clerk-cum-cashier. In the cross examination he deposed that he was not given any appointment letter and he was appointed orally and interviewed in the year 1987.

18. The Management examined Sri G. Seetha Ramaiah as MW1 who deposed that he is working as Manager in Personnel Department of Respondent bank since 12-5-1997 and personnel Department since 17-4-2002. During October, 1984 Ministry of Finance, Government of India sanctioned post of messenger in regional rural banks for the first time vide circular dated 8-10-94 vide Ex. M1. As per circular Ex. M2 dated 22-7-85. They used to pay by vouchers. They have not filed any vouchers as per circular of RBI the maximum period to keep the record is 5 to 8 years only. They have entered into two agreements that the then employees for regularization of casual workers and payments of wages dated 17-12-87. Ex. M3 is the settlement dated 28-4-87. Another settlement dated 17-12-87 Ex. M4 with regard to regularization of these employees. They were all regularized in view of the settlements, Ex. M3 and M4 w.e.f. 28-12-87. All these Petitioners were also members of the association which entered into Ex. M3 and M4 agreements. The dates shown in the claim statement and the claim that they have been working continuously is not correct. The Petitioner union was formed in 1996. It is registered but not recognized. Even all the Petitioners are not members of the Petitioner's union. Total number of employees in the Respondent bank are 814 and workers are around 400. The recognized union has never raised the present dispute. The Hon'ble Supreme Court directed National Industrial Tribunal to decide all matters. The National Industrial Tribunal has left the matter to Central Government in consultation with such authorities as it may consider necessary. Government of India accepted the National Industrial Tribunal Award and implemented the award vide Ex. M5. When Ex. M5 was implemented, some operational problems have cropped up and Government of India in consultation with NABARD constituted a working group on Regional Rural Bank regarding regularization and other related issues. The said recommendations were Ex. M6. So far as regularization of part time messengers-cum-sweepers it was decided that all those employees in sub-staff cadre who were in service

as on 21-2-91 and who have completed 240 days continuous service after that date may be treated as regular employees of Regional Rural Banks w.e.f. 22-2-91 and those who were already regularized need not be reopened. It is at page 17 and 18 of Ex. M6. These employees were regularized on 28-12-87 as such this case need not be reopened. That Writ Petition is pending before the Hon'ble High Court of A. P. In the cross examination he deposed that he has not filed personal files or acquittance register. He does not know whether Sri Nageswar Rao at serial No. 15 of the statement enclosed with the claim statement has filed as Writ Petition No. 19920/1997 before the Hon'ble High Court of A. P. on the same issue.

19. In the cross examination he deposed that the service records like personal files will be maintained as permanent record. Acquittance register will be maintained for a minimum period of five, in a maximum period of 8 years. He does not know whether Sri Nageswara Rao has sent a letter to the Chief Justice of the Hon'ble High Court and it was treated as Writ Petition. That he knows the contents of the claim petition. He denied that all the 46 persons are entitled for regularization from initial appointment.

20. It is argued by the Learned Counsel for the Petitioner that the reference is, "whether the demand of Sri Visakha Grameena Bank workers organization regarding regularization of Sri K. Papa Rao and others from the date of actual initial engagement is legal and/or justified. If not to what relief the concerned workmen are entitled?" That the Petitioner union examined 4 witnesses and marked 22 documents. That Grameena Bank at Srikakulam is one of the rural banks established in the year 1976. It's area of operation covers Srikakulam, Vizianagaram and Visakhapatnam. The working conditions of the employees are regularized by Sri Visakha Grameena Bank Staff Services Regulations besides bipartite settlement and awards in the banking industry including awards of National Industrial Tribunal. The award was implemented by letter No. 11-3/90-RRB(I) dated 22-2-1991 of Government of India when there was certain anomalies Gupta Committee made recommendations and NABARD accepted as per circular dated 22-3-93. The said factual position is admitted by the Management in para 7 of their statement. That annexures Ex. W7 and W8 categorically reflected the name of the employee, date of their initial engagement, name of initial branch, designation, nature of work performed by them. This was proved by the General Secretary of the Union and 3 others. No contra evidence is produced obviously the Management is the custodian of the petty vouchers, attendance registers etc. Adverse inference has been drawn for non-production of the records. The arbitrary and illegal regularization from a notional date without any basis is violation of directions of the award. That the Management Writ Petitions

No. 29116/95, Writ Petition No. 33304/99 and Writ Petition No. 19920/97 were disposed of by a common order dated 13-9-2003 by Hon'ble Justice Sri C. V. Ramulu. The language of the High Court order categorically directs the Management to reconsider the regularizations already made put putting the union on notice. But the Judgement is in favour of the workmen. Hence, the award may be passed in favour of the workmen.

21. It is argued by the Learned Counsel for the Respondent that MW1 during October, 1984 Ministry of Finance, Government of India sanctioned post of messenger in Regional Rural Banks for the first time vide circular dated 8-10-84 which is Ex. M1. Previous to that they used to engage part time sweepers and water boys for two to three hours per day and used to pay them by vouchers. That the circulars clearly stated that they permitted vide circular dated 1980 to engage messengers on daily wages. The said arrangement has not been satisfactory and therefore required post of messengers be established. So he submits that the required posts were themselves sanctioned on 8-10-84 and in fact a date of 1991 was suggested for regularization but the bank has been magnanimous and in view of the agreement with the union and others they have regularized most of them almost 33 to 40 on 28-12-87 itself. WW1 does not say much about this. But he agrees that payment of wages to the part time employees was made through vouchers and their names were not recorded in the register. He does not know whether Government of India issued instructions to banks, that w.c.f. 22-2-91 the workers may be treated as regularized. Even WW2 deposed that from 1977 to 1987 their salaries were being paid once in a week obtaining their signatures on vouchers. In the cross examination he deposed that he does not know whether the salaries have been paid through vouchers will be available in the bank or not. Same way WW3 and WW4 deposed. Hence, he submits that they are not entitled for any relief as claimed for.

22. It may be seen that Ex. M5 was filed which shows that the Ministry has addressed a letter dated 22-2-91 and certain details have been given but all that is not necessary for me for the simple reason that the Hon'ble High Court of A. P. has given the Judgement in WP No. 29116/1995 and WP No. 33304/1997 wherein his Lordship has held and directed the Respondents to verify the individual cases of the members of the Petitioner union as to their service particulars and decide as to whether the members of the Petitioner union are entitled for regularization of their services from the date of their initial appointment, as per the award of the National Industrial Tribunal as well as the guidelines issued by the NABARD and pass orders a period of six months from the date of receipt of this order. While making this exercise the Respondent shall put the Petitioner union

on notice and give an opportunity of being heard in the matter before taking a decision. I am afraid that in spite of the orders of the Hon'ble High Court of A. P. no such exercise was taken. WW1 does not know that one of the claimants Sri Nageswara Rao filed a writ before the Hon'ble High Court of A. P. questioning the regularization. In the arguments itself admitted that one of the writs i.e., W. P. 19920/1997 is pending. Now, both the parties requested me to dictate the case in the light of the Judgement of the Hon'ble High Court of A. P. It becomes imperative for me when there are two High Court Judgements in two Writ Petitions and one of the three writs is pending, not to give an award on merits as by chance if it is not in accordance with the Hon'ble High Court of A. P.'s order, it will be a gross error on my part. However, in the instant case I do not have enough evidence before me to come to a conclusion as to what is the initial date of appointment of these workers. One thing is certain, there is another question of law whether all these Petitioners being members of the Sri Visakha Grameena Bank Employees Union having entered into the bi-partite agreements and accepted the date of regularization where some of them out of 44 Petitioners only 12 are members of this union, can again challenge the said settlement. But, I am barred from going to the said question, because the Hon'ble High Court of A. P. has decided in both the writs and perhaps this point was not raised before the Hon'ble High Court of A. P. His Lordship was dealing fully with National Industrial Tribunal award and referred to para (4) point (iv) "... Their services shall be regularized with effect from their continuous engagement. His Lordship without going to the merits has observed, "without going into the merits that the only point that needs to be considered is whether banks have verified the particulars of each individual employee and whether they have not applied according to the NABARD as per the directions of the National Industrial Tribunal or not ... direct the Respondents to verify each and every individual case ... Service particulars and decide whether they are entitled for regularization of their services from the date of their initial appointment as per the award of the Industrial Tribunal as per the guidelines issued by the NABARD committee and pass such orders within 6 months". So I have no option but to keep myself in conformity with the Hon'ble High Court's Judgement in the above two Writ Petitions and answer the reference as follows : "The demand of Sri Visakha Grameena Bank Workers Organisation regarding regularization of Sri K. Papa Rao and 43 others as submitted by the union in their letter No. SBGBWO/12/97 dated 26-9-97 and letter No. WO/GS/50/1999 dated 6-7-99 from the date of their actual/initial engagement is legal and justified. Therefore the bank is directed to comply with the orders of the Hon'ble High Court of A. P. passed in Writ Petition No. 29116/1995 and 33304/1997 dated 3-9-2003 and as

the Hon'ble High Court of A. P. has already fixed the time limit of six months, I am not entitled to fix any further time. It is for the Respondents to approach the Hon'ble High Court of A. P. by way of WPMP and seek further time for the said exercise. I can only add that the said exercise shall be done after giving notice to each individual worker and be completed as early as possible.

Award passed. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 5th day of May, 2004.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner :

WW1 : Sri J. Srinivasa Rao

WW2 : Sri B. Prem Nath

WW3 : Sri P. Rajeshwar Rao

WW4 : Sri K. Papa Rao

Witnesses examined for
the Respondent :

MW1 : Sri G. Seetha
Ramaiah

Documents marked for the Petitioner

Ex. W1 : Copy of registration certificate of the union

Ex. W2 : Copy of by laws

Ex. W3 : Copy of circular No. CIRCULAR (STAFF)
No. 31 dt. 30-12-97

Ex. W4 : Copy of seniority list of messenger-cum-
sweepers

Ex. W5 : Copy of reply letter to B. Premnath by the
H. O. of the Management dt. 9-2-98.

Ex. W6 : Copy of staff circular No. 31 of Nagarjuna
Grameena Bank dt. 26-12-94

Ex. W7 : Copy of Ir. No. SVGBWO/12/97 dt. 26-9-97,
by the President of the Union to the
Management

Ex. W8 : Copy of the Ir. No. WO/SS/50/1999 dt.
6-7-99 by the President of the union to the
ALC(C), Visakhapatnam

Ex. W9 : Copy of Ir. dt. 23-7-1979 showing Sri P.
Rajeswara Rao as Stencil Operator

Ex. W10 : Copy of bunch of letters showing the same
as at Ex. W9

Ex. W11 : Copy of Ir. No. CIRCULAR LETTER/
STAFF/MISC/6/82 dt. 11-2-82

Ex. W12 : Copy of Ir. No. CIRCULAR LETTER/
STAFF/MISC/17/82 dt. 27-3-82

Ex. W13 : Copy of Ir. No. CIRCULAR LETTER No.
STAFF/MISC/19/82 dt. 31-3-82

Ex. W14 : Copy of Ir. No. CIRCULAR LETTER No.
STAFF/MISC/24/82 dt. 3-5-82

Ex. W15 : Copy of Ir. No. CIRCULAR LETTER No.
STAFF/MISC/26/82 dt. 7-5-82

Ex. W16 : Copy of Ir. No. CIRCULAR LETTER No.
STAFF/MISC/49/82 dt. 9-8-82

Ex. W17 : Copy of Ir. No. CIRCULAR LETTER No.
STAFF/MISC/55/82 dt. 19-10-82

Ex. W18 : Copy of staff circular No. 6/83 dt. 29-1-83

Ex. W19 : Copy of staff circular No. 10/83 dt. 18-2-83

Ex. W20 : Copy of staff circular No. 13/84 dt. 16-4-83

Ex. W21 : Copy of staff circular No. 49/83 dt. 12-8-83

Ex. W22 : Copy of staff circular No. 10/85 dt. 25-9-85

Documents marked for the Respondent

Ex. M1 : Copy of circular dt. 8-10-84

Ex. M2 : Copy of circular dt. 22-7-85

Ex. M3 : Copy of settlement dt. 28-4-87

Ex. M4 : Copy of settlement dt. 17-12-87

Ex. M5 : Copy of implementation of NIT award vide
GOT Lr. No. 11-3/90 dt. 22-2-91

Ex. M6 : Copy of Government of India
recommendations reg. Regularization.

नई दिल्ली, 22 जून, 2004

का. आ. 1650.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जुलाई, 2004 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले ही प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध महाराष्ट्र राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“जिला एवं तालुक धुले के राजस्व ग्राम-मोराने एवं अवधान के अन्तर्गत आने वाले क्षेत्र।”

[सं. एस.-38013/45/2004-एस. एस.-1]

के. सी. जैन, निदेशक

New Delhi, the 22nd June, 2004

S.O. 1650.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st July, 2004 as the date on which the provisions of Chapter IV (except Sections 44 and 45

which have already been brought into force) and Chapter-V and VI [except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Maharashtra, namely :—

“Areas within the limits of the revenue villages of Morane and Avdhan in Taluka and District of Dhule.”

[No. S-38013/45/2004-S.S-I]

K. C. JAIN, Director

नई दिल्ली, 23 जून, 2004

का. आ. 1651.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जुलाई, 2004 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले ही प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध केरल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“जिला मलपुरम के तिरूर अंगाडी तालुक के तेनल्ला तथा तिरूर तालुक में परुमन्ना और तिरूर के अधीन आने वाले क्षेत्र।”

[सं. एस.-38013/53/2004-एस. एस.-I]

के. सी. जैन, निदेशक

New Delhi, the 23rd June, 2004

S.O. 1651.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st July, 2004 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala, namely :—

“Areas comprising the revenue villages of Thennala in Tirur angadi Taluk; Perumanna & Tirur in Tirur Taluk in Mallappuram District.”

[No. S-38013/53/2004-S.S-I]

K. C. JAIN, Director

नई दिल्ली, 23 जून, 2004

का. आ. 1652.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जुलाई, 2004 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले ही प्रवृत्त हो चुकी है)

अध्याय-5 और 6 [धारा-76 की उप धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध आन्ध्र प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“आन्ध्र प्रदेश राज्य के कर्नूल जिले के अदोनि मण्डल में स्थित सदापुरम, मंदागिरी, दिब्वनकल, गोनबावि, विरापुरम, संभगल्लू, बैचिगिरी, कपटि, बसापुरम, पर्वतापुरम तथा कोडितोटा राजस्व गांव के संबंधित इलाके।”

[सं. एस.-38013/52/2004-एस. एस.-I]

के. सी. जैन, निदेशक

New Delhi, the 23rd June, 2004

S.O. 1652.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st July, 2004 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Andhra Pradesh, namely :—

“All the areas falling within the limits of Revenue villages of Sadapuram, Mandagiri, Dibbanakal, Gonabavi, Virapuram, Sambhagallu, Baichigiri, Kapati, Basapuram, Parvathapuram and Kodithota of Adoni Mandal in Kurnool District.”

[No. S-38013/52/2004-S.S-I]

K. C. JAIN, Director

नई दिल्ली, 24 जून, 2004

का. आ. 1653.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 219 दिनांक 15-1-2004 द्वारा खनिज तेल (कच्चा तेल), मोटर और विमानन स्पिरिट तेल, मिट्टी का तेल, ईंधन तेल, बिथिका हाइड्रोकार्बन तेल और उनके मिश्रण जिनमें सिंथेटिक तेल और इसी प्रकार के तेल शामिल हैं के निर्माण या उत्पादन में लगे उद्योग में सेवाओं में हैं, जोकि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 26 में शामिल है, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 16-1-2004 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को

उक्त अधिनियम के प्रयोगकों के लिए दिनांक १६-७-२००४ से उक्त मास की कार्रवाई के लिए उक्त उपरोक्त सेवा प्रेषित करती है।

[फ. सं. एस.-११०१७/६/९७-आई. आर. (पी. एल.)]
जे. पी. पाटी, संयुक्त सचिव

New Delhi, the 24th June, 2004

S.O. 1653.—Whereas the Central Government having been satisfied that the public interest so required that in pursuance of the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S. O. No. 219 dated 15-1-2004 the services in industry engaged in manufacture or production of mineral oil (crude oil) motor and aviation spirit, diesel oil, kerosene oil, fuel oil, diverse hydrocarbon oil and their blends including synthetic fuels, lubricating oil and the like which is covered by item 26 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 16th January, 2004.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a period of six months from the 16th July, 2004.

[F. No. S. 11017/6/97-IR(PL)]
J. P. PATI, Jt. Secy.

नई दिल्ली, २४ जून, २००४

का. अ. १६५४.—कर्मचारी राज्य बीमा अधिनियम, १९४८ (१९४८ का ३४) की धारा-१ की उप धारा-(३) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा ०१ जुलाई, २००४ को उस तारीख के रूप में निश्चित करती है, जिसको उक्त अधिनियम के अध्याय-४ (४४ व ४५ धारा के सिक्का जो पहले ही प्रवृत्त हो चुकी है) अध्याय-५ और ६ [धारा-७६ की उप धारा (१) और धारा-७७, ७८, ७९ और ८१ के सिक्का जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध मध्य प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

"जिला इन्दौर की सबसील सांघेर के राजस्व ग्राम—मांगलिया एवं मांगलिया सड़क, राऊ खेड़ी, डाबली एवं गारी पिपलिया;

तथा

जिला एवं सबसील इन्दौर के राजस्व ग्राम—तलबली चांद के अन्तर्गत आने वाले क्षेत्र।"

[सं. एस.-३८०१३/५०/२००४-एस. एस.-१]
के. सी. जैन, निदेशक

New Delhi, the 24th June, 2004

S.O. 1654.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st July, 2004 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Madhya Pradesh namely :—

"Areas comprising the revenue villages of Manglia and Manglia Sadak, Raikhedi, Dhahli, Gari Pipalia in Tehsil Sanwer, District Indore."

AND

"the revenue village of Talawali Chanda in Tehsil and District of Indore."

[No. S-38013/50/2004-S.S-I]
K. C. JAIN, Director

नई दिल्ली, २४ जून, २००४

का. अ. १६५५.—कर्मचारी राज्य बीमा अधिनियम, १९४८ (१९४८ का ३४) की धारा-१ की उप धारा-(३) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा ०१ अगस्त, २००४ को उस तारीख के रूप में निश्चित करती है, जिसको उक्त अधिनियम के अध्याय-४ (४४ व ४५ धारा के सिक्का जो पहले ही प्रवृत्त हो चुकी है) अध्याय-५ और ६ [धारा-७६ की उप धारा (१) और धारा-७७, ७८, ७९ और ८१ के सिक्का जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध असम राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

"जिला कामरूप के तालुक सिला सेंदुरी घोषा के राजस्व ग्राम—कोईवारी, सिला एवं निज सेंदुरी घोषा के अन्तर्गत आने वाले क्षेत्र।"

[सं. एस.-३८०१३/४७/२००४-एस. एस.-१]
के. सी. जैन, निदेशक

New Delhi, the 24th June, 2004

S.O. 1655.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st August, 2004 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Assam namely :—

"Areas comprising the revenue villages of Karibari, Sila and Niz Senduri Ghopa in Taluk Sila Senduri Ghopa in the District of Kamrup."

[No. S-38013/47/2004-S.S-I]
K. C. JAIN, Director

नई दिल्ली, 24 जून, 2004

का. आ. 1656.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जुलाई, 2004 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले ही प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध महाराष्ट्र राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“पुणे नगर निगम के प्रवर्धित क्षेत्र में आने वाले राजस्व ग्राम—बाणे, वारजे, कोथरुड, कात्रज, हिंगणे (खुर्द) धमकवडी, कोंधवा (खुर्द) हडपसर, महम्मद-वाडी, वडगांव शेरी, धानोरी, कलस, पाषाण एवं वालेवाडी

तथा

जिला—पुणे, तालुक—हवेली के राजस्व ग्राम—शिवणे, उंडी, वडगांव (खुर्द) लोहगांव, आंबेगांव (खुर्द) आंबेगांव (बुद्रक) धायरी, पिसौली, नरहे तथा नांदेड के अन्तर्गत आने वाले क्षेत्र।”

[सं. एस.-38013/48/2004-एस. एस.-1]

के. सी. जैन, निदेशक

New Delhi, the 24th June, 2004

S.O. 1656.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st July, 2004 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Maharashtra namely :—

“Areas comprising the revenue villages of Baner, Warje, Kothrud, Katraj, Hingane (Khurd), Dhankawadi, Kondhwa (Khurd), Hadapsar, Mohmadwadi, Vadgaonsneri, Dhanori, Kalas, Pashan & Balewadi falling in the extended municipal limits of Pune; and

Shivane, Undri, Vadgaon (Khurd), Lohagaon, Ambegaon (Khurd), Ambegaon (Budruk), Dhayari, Pisoli, Narhe & Nanded in Taluka Haveli in the district of Pune.”

[No. S-38013/48/2004-S.S-I]

K. C. JAIN, Director

नई दिल्ली, 24 जून, 2004

का. आ. 1657.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जुलाई, 2004 को

उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले ही प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध तमिलनाडु राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“नामक्कल जिला में तिरुचेनोडे तालुक के मोलिपल्ली, उन्जैन एवं इलनगर क्षेत्र के अन्तर्गत आने वाले राजस्व गांव।”

[सं. एस.-38013/51/2004-एस. एस.-1]

के. सी. जैन, निदेशक

New Delhi, the 24th June, 2004

S.O. 1657.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st July, 2004 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Tamil Nadu namely :—

“Areas comprising the revenue villages of Molipalli, Unjanai and Elanagar of Thiruchengode Taluk in Namakkal District.”

[No. S-38013/51/2004-S.S-I]

K. C. JAIN, Director

नई दिल्ली, 24 जून, 2004

का. आ. 1658.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जुलाई, 2004 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले ही प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध महाराष्ट्र राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“जिला कोल्हापुर, तालुक करबीर के राजस्व ग्राम—ऊबगांव एवं गडमुड शिंगी के अन्तर्गत आने वाले क्षेत्र।”

[सं. एस.-38013/46/2004-एस. एस.-I]

के. सी. जैन, निदेशक

New Delhi, the 24th June, 2004

S.O. 1658.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st July, 2004 as the date on which the provisions of Chapter IV (except Sections 44 and 45

which have already been brought into force) and Chapter-V and VI [except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Maharashtra namely :—

“Areas within the limits of the revenue villages of Uchgaon and Godmudshingi in Taluk Karvir, District of Kolhapur.”

[No. S-38013/46/2004-S.S-I]

K. C. JAIN, Director

नई दिल्ली, 24 जून, 2004

का. आ. 1659.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जुलाई, 2004 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले ही प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध महाराष्ट्र राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“जिला पुणे की पिंपरी—चिंचवाड म्यूनिसिपल निगम की परिवर्धित सीमा की तालुक—हवेली के राजस्व ग्राम—तलवाडे, चिखली, दिवी एवं बोपखेल, तालुक—मुल्शी के राजस्व ग्राम—वाकड, पुनवले, हिंजवडी एवं पिंपले निलस तथा तालुक—खेड के राजस्व ग्राम—आलंदी (देवाची), धानोरी एवं मरकल के अन्तर्गत आने वाले क्षेत्र।”

[सं. एस.-38013/49/2004-एस. एस.-I]

के. सी. जैन, निदेशक

New Delhi, the 24th June, 2004

S.O. 1659.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st July, 2004 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Maharashtra namely :—

“Extended limits of Pimpri-Chinchwad Municipal Corporation area comprising the revenue villages of Talavade, Dighi, Bhopkhel & Chikhali in Taluka Haveli; Pimple Nilakh, Punavale, Vakad & Hinjawadi in Taluka Mulshi & Markal, Dhanore & Alandi (Devachi) in Taluka Khed in the District of Pune.”

[No. S-38013/49/2004-S.S-I]

K. C. JAIN, Director

नई दिल्ली, 29 जून, 2004

का. आ. 1660.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड-(vi) के उपबंधों के अनुसरण में भारत सरकार के त्रय मंत्रालय की अधिसूचना संख्या का. आ. 86 दिनांक 30-12-2003 द्वारा बैंक नोट मुद्रास्वय, देवास जो कि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि संख्या 22 में शामिल है, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 1-1-2004 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 1-7-2004 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस.-11017/4/97-आई. आर. (पी. एल.)]

जे. पी. पट्टि, संयुक्त सचिव

New Delhi, the 29th June, 2004

S.O. 1660.—Whereas the Central Government having been satisfied that the public interest so required that in pursuance of the provisions of sub-clause (vi) of the clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S. O. No. 86 dated 30-12-2003 the services in Bank Note Press, Dewas which is covered by item 22 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 1st January, 2004.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a period of six months from the 1st July, 2004.

[F. No. S. 11017/4/97-IR(PL)]

J. P. PATI, Jt. Secy.

शुद्धि पत्र

नई दिल्ली, 5 जुलाई, 2004

का. आ. 1661.—भारत के राजपत्र के भाग-II, खण्ड 3 के उप-खण्ड (ii) में दिनांक 30 जनवरी, 2002 को प्रकाशित श्रम मंत्रालय की अधिसूचना संख्या 422 के द्वारा निम्नलिखित प्रविष्टियां शामिल की जाएंगी :

क्रम संख्या

84. मैसर्स इन्स्ट्रुमेंटेशन लि., पलक्कड, केरल।
85. मैसर्स कोचि रिफाइनरीज लि., जिला एर्नाकुलम, केरल।

[सं. एस.-38014/13/2004-एसएस-I]

के. सी. जैन, निदेशक

CORRIGENDUM

New Delhi, the 5th July, 2004

S.O. 1661.—In the Notification of the Ministry of Labour published in the Gazette of India Part-II, Section 3, Sub-Section (ii) dated 30th January, 2002 vide S.O. No. 422, the following entries shall be made :

Sl. No.

84. M/s Instrumentation Limited, Palakkad, Kerala.
85. M/s Kochi Refineries Ltd., Ernakulam Distt., Kerala.

[No. S. 38014/13/2004-SS-I]

K. C. JAIN, Director

शुद्धि पत्र

नई दिल्ली, 5 जुलाई, 2004

का. आ. 1662.—भारत के राजपत्र के भाग-II, खण्ड 3 के उप-खण्ड (ii) में दिनांक 12 अप्रैल, 2003 को प्रकाशित श्रम मंत्रालय की अधिसूचना का. आ. संख्या 1173 के द्वारा निम्नलिखित प्रविष्टियां शामिल की जाएंगी :

क्रम संख्या

88. मैसर्स इन्स्ट्रुमेंटेशन लि., पलक्कड, केरल।
89. मैसर्स कोचि रिफाइनरीज लि., जिला एर्नाकुलम, केरल।

[सं. एस.-38014/13/2004-सा. सु.-I]

के. सी. जैन, निदेशक

CORRIGENDUM

New Delhi, the 5th July, 2004

S.O. 1662.—In the Notification of the Ministry of Labour published in the Gazette of India Part-II, Section 3, Sub-Section (ii) dated 12th April, 2003 vide S.O. No. 1173, the following entries shall be made :

Sl. No.

88. M/s Instrumentation Limited, Palakkad, Kerala
89. M/s Kochi Refineries Ltd., Ernakulam Distt., Kerala.

[No. S. 38014/13/2004-SS-I]

K. C. JAIN, Director